

# **DIGHTON AFFORDABLE HOUSING COMMITTEE DIGHTON HOUSING PRODUCTION PLAN**



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# DIGHTON HOUSING PRODUCTION PLAN

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Also, we would like to dedicate this plan to the memory of Paul A. Urban. Paul was a strong advocate for the adoption of the Community Preservation Act and a member of this Committee. His dedication to the preservation of the rural culture of Dighton, his knowledge, and his humor will be greatly missed.

Paul A. Urban  
1955 - 2008

# DIGHTON HOUSING PRODUCTION PLAN

## I. EXECUTIVE SUMMARY

### A. Introduction

As Dighton continues to grow it will face the challenge of increasing housing needs, including affordable housing. Affordable housing is not just a local problem, but is a major regional concern as housing costs have more than doubled since the late 1990s, spurred by the increase demand due to the migration from more populated and expensive areas. The combined effect of housing demand outstripping supply, a very low vacancy rate, and increasing housing-related expenses, such as tax and energy bills, create pressing local and regional housing needs. Additionally, the increasing interest of developers in producing new housing through the comprehensive permit process has made the issue of affordable housing more visible in Dighton, and there is likely to be more widespread concern and misinformation about it.

The first major component of this Housing Production Plan, the Housing Needs Assessment, examines the issue of housing in Dighton, particularly housing affordability, and presents a documented snapshot of current conditions and trends. It also looks at the gaps between what housing is available to serve local residents and what is required to meet the range of local needs, including a review of local, regional and state resources.

The second major piece includes production goals and strategies that together with the Housing Needs Assessment comprise the Housing Production Plan. This Plan is being produced under the state's new Chapter 40B requirements that enable cities and towns to prepare and adopt a Housing Production Plan that demonstrates production of an increase of .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory.<sup>1</sup> Dighton will have to produce approximately eleven (11) affordable units annually to meet these goals through 2010. When the 2010 census figures become available in 2011, this number will be somewhat higher. If DHCD certifies that the locality has complied with its annual goals, the Town may, through its Zoning Board of Appeals, deny comprehensive permit applications without opportunity for appeal by developers.<sup>2</sup> Production goals will also help guide actual new housing development and support the Town's progress towards meeting the state's 10% housing affordability goal.<sup>3</sup>

### B. Housing Goals and Challenges

The Town of Dighton has identified the following goals that will serve as the basis for the strategies that are proposed in the Affordable Housing Plan:

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<sup>1</sup> Massachusetts General Law Chapter 40B, 760 CMR 56.03 (4).

<sup>2</sup> Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

<sup>3</sup> A glossary of housing terms is included as Appendix 2 and summaries of housing regulations, including 40B, and housing resources is in Appendix 5.

- *Meet local needs across the full range of incomes, sustaining social and economic diversity and promoting the stability of individuals and families in Dighton.*
- *Add to the housing stock in a way that is compatible with the fabric, architecture, natural resources, and services of existing neighborhoods.*
- *Preserve the existing housing stock including units that are affordable.*
- *Proactively pursue new affordable housing development opportunities to meet the 10% state affordable housing goal.*
- *Promote smart growth development.*

While housing goals articulate a commitment to producing affordable housing in Dighton, it will be a challenge for the Town to create enough housing to meet the state's 10% affordable housing standard, production goals and local needs, particularly in light of current constraints to new development including:

- *Infrastructure*  
Dighton has limited municipal sewer service, concentrated in and to the north of the Town Center. In other areas of town, properties must rely on septic systems if special treatment facilities are not integrated into new development. Most areas of town have municipal water service, the remaining areas relying on the use of private wells. In those areas of town without sewer service in particular, new housing production must carefully comply with Title V standards and be sensitive to water quality issues, which while essential, contribute to higher development costs. It will be important for the town to grow at a pace that will not place undue burdens on local infrastructure, especially municipal services, expanding services where appropriate.
- *Zoning*  
As is the case in most American communities, a zoning bylaw or ordinance is enacted to control the use of land including the patterns of housing development. Dighton's Zoning Bylaw, like most localities in the Commonwealth, embraces large-lot zoning of 35,000 square feet and other restrictive minimum area requirements. While this zoning was put in place to slow development, preserve the town's rural character and accommodate septic systems in compliance with Title V requirements, the zoning maintains low housing densities that constrain the construction of affordable housing and promote sprawl that unless checked may ultimately degrade the community's rural charm, scenic resources, wildlife habitat, and air quality.
- *Environmental Concerns*  
Most residents are aware of the town's natural treasures and are rightly concerned about conserving them including the Taunton River, Segregansett River, Three Mile River, large areas of wetlands and vernal pools as well as upland open space. While regulations to protect the environment are important and essential, they present challenges to development by reducing the amount of buildable land and increasing the time and costs of developing new housing.
- *Public Transportation*  
Public transportation is limited, but two new commuter rail stations are planned in neighboring Taunton. Also some amount of public transportation has been provided through GATRA (Greater Attleboro and Taunton Regional Transit Authority), a state-

subsidized system formed in 1976. GATRA offers services to the elderly and disabled and provides a “demand response” lift-equipped van service to Dighton and neighboring communities. Several other companies also offer bus service throughout the region to Boston, New Bedford and Fall River. Nevertheless, the 2000 census indicated that only 1.2% of residents commuted to work by public transportation and more than 96% of residents drove to work alone or with a carpool, 88.1% and 8.3% respectively. This reliance on the automobile is particularly burdensome on lower income households given the expense involved in owning and operating one.

- *School Enrollment*

Census data demonstrated decreasing numbers of school-age children, which has implications for school enrollments if such downward trends continue. School enrollment projections prepared by the New England School Development Council as of the end of 2006, also indicated some declines in enrollment, although it was unclear whether this downward shift actually reflected a growing trend. State projections estimated that the school-age population will increase by 4,500 students at buildout, which would ultimately cause a huge expansion of existing school capacity.

- *Availability of Subsidy Funds*

Federal and state financial resources to subsidize affordable housing preservation and production as well as rental assistance have suffered budget cuts over the years making funding more limited and extremely competitive. Communities throughout the Commonwealth are finding it increasingly difficult to secure necessary funding and must be creative in determining how to finance projects and tenacious in securing these resources.

- *Community Perceptions*

The very term, “affordable housing” often carries the negative and typically mistaken impression of potential neglect, plunging property values, increased crime, and even tensions concerning class and race. On the other hand, with such high real estate prices, community perceptions have been tilting towards the realization that affordable housing is needed in the community. More people are recognizing that the new kindergarten teacher, their grown children, or the elderly neighbor may not be able to afford to live or remain in the community. It is this growing awareness, as well as increasing interest in Chapter 40B development, which is spurring communities such as Dighton to take a more proactive stance and greater interest in supporting affordable housing initiatives. Also, once residents understand that the Town will be able to reserve up to 70% of the affordable units in any new development for those who have a connection to Dighton, referred to as “community preference”, greater local support is typically forthcoming.

### **C. Summary of Housing Needs Assessment**

Table I-1 summarizes demographic and housing characteristics in Dighton and compares this information to that for Bristol County and the state.

**Table I-1**  
**Summary of Demographic and Housing Characteristics for**  
**Dighton, Bristol County and the State**  
**2000<sup>4</sup>**

Characteristics	Dighton	Bristol County	Massachusetts
<b>Household Characteristics</b>			
Total Population	6,175/7,253*	534,678	6,349,097
% less than 18 years	26.6%	24.6%	23.6%
% 20 to 34 years	15.8%	19.9%	21.0%
% 45 to 54 years	14.6%	13.5%	13.8%
% 65 years or more	12.8%	14.1%	13.5%
Median age	38.0 years	36.7 years	36.5 years
% non-family households	21.9%	31.5%	36.0%
Average household size	2.78 persons	2.54 persons	2.51 persons
Median income	\$58,600/\$70,947**	\$43,496	\$50,502
% individuals in poverty	2.6%	10%	9%
% earning less than \$25,000	14.7%	30.0%	24.6%
% earning more than \$100,000	13.8%	10.9%	17.7%
% occupied housing	100.0%	94.7%	93.2%
% owner-occupied	84%	61.6%	61.7%
% renter-occupied	16%	38.4%	38.3%
% seasonal or occasional use	0.8%	0.9%	3.6%
% in single-family, detached structures	84.1%	51.3%	52.4%
Median sales price 2000 census/7-2007*	\$153,000/\$337,500***	\$151,500	\$185,700

Source: U.S. Census Bureau, 2000

\* Updated figure as of September 14, 2007

\*\* Updated figure based on the percentage change of HUD area median income between 2000 and 2007.

\*\*\* The Warren Group as of the end of July 2007.

This information indicates that Dighton is a small town with more families and children than other communities in the region and state, also with a higher rate of owner-occupancy and single-family homes. More specific comparisons of Dighton to Bristol County as a whole and the state are highlighted below.

- *Somewhat Older Population*

While a smaller portion of Dighton's population included seniors – 12.8% versus 14.1% for the County and 13.5% for the state – the median age was a bit higher, 38 years as opposed to about 36 years.

<sup>4</sup> Updated data is provided where available, but for many demographic and housing characteristics, the 2000 census is the only source available.

- Fewer Young Adults*

The numbers of those 20 to 34 years old have been decreasing, and Dighton had a lower percentage of these younger adults – at 15.8% of the population as opposed to 19.9% and 21.0% for the county and state, respectively. Like many increasingly affluent communities in the state and region, the increasing costs of living, housing in particular, are making living in Dighton less accessible to those who are entering the labor market, forming their own households, and with insufficient equity to participate in the current high-priced housing market.
- Types of Households – More Families*

Dighton also had significantly fewer non-family households, comprising 21.9% of all households in Dighton but 31.5% for the county and 36% for the state. Because there are more families, Dighton had a higher proportion of children under 18 years, 26.6% versus 24.6% for the county and 23.6% for the state and the average household size was greater as well – 2.78 persons as opposed to about 2.5 persons for the county and state.
- Growing Numbers of Non-family Households*

Despite higher levels of families, the proportion of non-family households has substantially increased from 15.9% of all households in 1980 to 21.9% in 2000. Nevertheless, Dighton's level is much lower than the county's and state's.
- Higher Income Levels*

Median income levels per the 2000 census were significantly higher in Dighton, \$58,600 as opposed to \$43,496 and \$50,500 for the county and state, respectively. Additionally, the percentage of those earning less than \$25,000 annually was substantially lower in Dighton, 14.7% versus 30% for the county and 24.6% for the state. Also, Dighton had only 2.6% of its population living in poverty with much higher levels for the county and state of 10% and 9%, respectively. On the other hand, there were fewer residents in Dighton earning more than \$100,000 in comparison to the state, 13.8% versus 17.7%, but higher than the county at 10.9%.
- Housing Market Conditions*

The 2000 median housing prices provide a comparison of Dighton housing market to that of Bristol County and the state and indicate somewhat lower market values -- \$153,000 for Dighton, \$151,500 for the county and \$185,700 for the state. Housing prices have more than doubled since 2000 as the median single-family house value increased to \$337,500 as of the end of 2007. To afford this price a household would have to earn about \$100,000, significantly higher than the adjusted median income level of about \$70,947. Escalating housing prices are also reflected in increased property taxes, which in combination with rising energy bills and insurance costs, can cause a serious financial strain on long-term residents, particularly those with fixed incomes.
- Supply of Workforce Housing*

Homes that were priced affordably in the past almost doubled in value given market pressures, pent-up demand, and a limited supply of housing. Based on the Massachusetts Department of Housing and Community Development's most recent data on the Chapter 40B Subsidized Housing Inventory, Dighton had 143 units counted as affordable, representing 6.32% of the year-round housing stock of 2,261 units. Therefore, the Town needs to produce at least 83 more affordable units to reach the state's 10% goal based on the existing housing stock. Build-out projections, prepared by the state's Executive Office of Environmental Affairs in February 2000, estimated that Dighton could support an additional 8,066 units of housing based on current zoning, which would require that at least another 807 units be affordable to comply with the



Chapter 40B goal. While these figures do seem extreme, the 10% level will certainly increase over time.

Based on the Housing Needs Assessment, there are a number of key indicators that suggest there are significant local needs for affordable housing that go beyond what is required to meet the 10% state goal. These priority needs as well as goals for making progress towards achieving them are as follows<sup>5</sup>:

1. **Households with Limited Incomes** – Despite increasing household wealth, there still remains a population living in Dighton with very limited financial means. For example, in 2000 there were 322 households earning less than \$25,000 in income, and of these 221 individuals had earnings below the poverty level.  
*Needs:* More subsidized rental housing is needed to meet the housing needs of the Town's lowest income residents.  
*Goal:* At least half of all new affordable units created should be rentals.
2. **Disabilities and Special Needs Including Homelessness** -- There were 938 individuals who claimed some type of disability in 2000, and the town's population of seniors is growing.  
*Needs:* Some amount of new housing should be built adaptable or accessible to the disabled, including seniors; more service-enriched housing is required for the homeless or potentially homeless; and more affordable housing with support services should be provided for seniors, many of whom are paying too much of their fixed incomes on housing costs.  
*Goal:* 10% of all new affordable units created should be made handicapped accessible and some should include on-site support services.
3. **Gaps in Affordability and Access to Affordable Housing** – Housing prices have doubled since 2000, and homes for less than \$200,000 are no longer available in the private housing market that would be affordable to low- and moderate-income households. There is a gap of more than \$100,000 between the median priced home and what a median income household living in Dighton could afford.  
*Needs:* A wider range of affordable housing options is needed including first-time homeownership opportunities for younger households entering the job market and beginning their own families as well as for empty nesters.  
*Goal:* At least half of all new affordable units created should be directed to homeownership, either small starter homes or affordable condominiums.
4. **Housing Conditions** – The majority of Dighton's housing stock was built before 1970, and it is likely that some units have building and sanitary code violations as well as lead paint and potential septic system problems, and thus need improvements.  
*Needs:* Continued program assistance is required to support necessary home improvements, including deleading, in properties occupied by low- and moderate-income households, particularly the elderly living on fixed incomes and including investor-owned properties tenanted by qualifying households.  
*Goal:* Increase the numbers of those obtaining assistance in improving their properties.

There is therefore a sizable population of those who are starting their own families, are seniors, have special needs and/or have very low incomes who have significantly reduced capacity in Town to secure decent, safe and affordable housing in Dighton. A broader range of housing options is required to meet these varied needs.

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<sup>5</sup> See Section III.F for more details on these needs.

This Housing Production Plan suggests a range of options for addressing these challenges, meeting pressing local housing needs and bringing Dighton closer to the state's 10% affordable housing goal, presenting a proactive housing agenda of Town-sponsored initiatives based on documented local needs. Due to the rising costs of homeownership, including escalating costs associated with taxes, insurance and utilities, some residents are finding it increasingly difficult to afford to remain in Dighton. Children who grew up in the town are now facing the possibility that they may not be able to return to raise their own families locally. Long-term residents, especially the elderly, are finding themselves less able to maintain their homes and keep up with increased expenses, but are unable to find alternative housing that better meets their current life styles. Families are finding it more difficult to "buy up," purchasing larger homes as their families grow. Town employees and employees of local businesses are increasingly hard pressed to find housing that is affordable in Dighton. Clearly more housing options are required to meet local needs and produce Dighton's fair share of regional needs.

#### **D. Summary of Production Goals**

The state administers the Housing Production Program that enables cities and towns to adopt a Housing Production Plan that demonstrates production of .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory.<sup>6</sup> Dighton would have to produce at least 11 affordable units annually to meet these production goals through 2010. When the 2010 census figures become available in 2011, this number will be higher, most likely at least 13 units. If the state certifies that the locality has complied with its annual production goals, the Town may, through its Zoning Board of Appeals, deny comprehensive permit applications without opportunity for appeal by developers.

Using the strategies summarized in Section VII, the Town of Dighton has developed a Housing Production Program to project affordable housing production over a five-year period, however, there is likely to be a great deal of fluidity in these estimates from year to year. The goals are based largely on the following criteria:

- To the greatest extent possible, at least 50% of the units that are developed on publicly owned parcels should be affordable to households earning at or below 80% of area median income and at least another 10% affordable to those earning up to 120% of area median income, depending on project feasibility. The rental projects will also target some households earning at or below 50% or 60% of area median income depending upon subsidy program requirements.
- Projections are typically based on a minimum of four (4) units per acre (estimating one-half of parcel will be suitable for development at eight units per acre). However, given specific site conditions and financial feasibility it may be appropriate to increase or decrease density as long as projects are in compliance with state Title V and wetlands regulations.
- Because housing strategies include some development on privately owned parcels, production will involve projects sponsored by private developers through the standard regulatory process or "friendly" comprehensive permit process. The Town plans to promote increased affordability in these projects when possible.
- The projections involve a mix of rental and ownership opportunities. The Town will work with developers to promote a diversity of housing types directed to different

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<sup>6</sup> The state has only recently adopted changes to Chapter 40B, including modifications to production requirements, what had previously been referred to as Planned Production. For example, the annual production goals are now based on one-half of one percent of total housing units as opposed to three-quarters of one percent in the past.

populations with housing needs including families, seniors and other individuals with special needs to offer a wider range of housing options for residents.

Production goals over the next five years include the creation of 160 affordable units (targeted to those earning at or below 80% of area median income) and 21 workforce units unit (targeted to those earning between 80% and 120% of area median who are still priced out of the private housing market), with 321 total projected number of housing units created. This level of activity would enable the Town to surpass the state's 10% affordability threshold.

#### **E. Summary of Housing Strategies**

The strategies outlined below are based on previous plans, reports, studies, the Housing Needs Assessment, housing goals (see Section I.B above) and the experience of other comparable localities in the region and throughout the Commonwealth. The strategies are grouped according to the type of action proposed – Building Local Capacity, Planning and Regulatory Reforms, Housing Production, and Housing Preservation – and categorized by Priority 1 and Priority 2 actions. Priority 1 actions are those that will begin within the next two years, most of which will involve some immediate action. Those strategies included under the Priority 2 category involve focused attention after the next couple of years, working towards implementation after Year 2 but before the end of Year 5. A summary of these actions is included in Appendix 4.

It should be noted however, that a major goal of this Plan is not only to strive to meet the state's 10% goal under Chapter 40B, but to also to serve local needs and there are instances where housing initiatives might be promoted to meet these needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory (examples include the promotion of accessory apartments or workforce housing for those earning between 80% and 120% of area median income).

Within the context of these compliance issues, local needs, existing resources, affordability requirements and the goals listed in Section II of this Plan, the following housing strategies are offered for consideration. *It is important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels.*

#### ***Capacity Building Strategies***

In order to be able to carry out the strategies included in this Housing Plan and meet production goals, it will be important for the Town of Dighton to build its capacity to promote affordable housing activities. This capacity includes gaining access to greater resources – financial and technical – as well as building local political support, continuing to develop partnerships with public and private developers and lenders, and creating and augmenting local organizations and systems that will support new housing production.

- *Conduct ongoing educational campaign*  
Continue to engage the community in discussions on affordable housing to present information on the issue needed to dispel myths and negative stereotypes and to help galvanize local support, political and financial, for new production.
- *Secure Professional Support*  
Hire the necessary professional support to effectively coordinate the implementation of various components of the Housing Production Plan.

- *Create a Municipal Affordable Housing Trust*  
Establish a Municipal Affordable Housing Trust to create a Housing Trust Fund dedicated to promoting affordable housing and as a permanent municipal entity for overseeing the implementation of the Housing Production Plan.
- *Access housing resources*  
Reach out to private, public and nonprofit entities to secure additional housing resources – technical and financial – in support of efforts to produce affordable housing.
- *Create an inventory of properties potentially suitable for affordable housing*  
In concert with other Town boards and committees, review the inventory of publicly-owned properties and determine which parcels might be appropriate for some amount of affordable housing development.
- *Encourage training for board and committee members*  
Promote opportunities for Town board and committee members to take advantage of ongoing training and educational programs related to affordable housing.
- *Apply for Commonwealth Capital Scoring*  
Submit the application for Commonwealth Capital scoring that is used by the state to allocate a wide range of discretionary funding related to the environment, transportation, infrastructure, economic development, and housing. Municipalities are scored in large part related to the progress they have made towards promoting smart growth development.
- *Promote Approval of the Community Preservation Act (CPA)*  
Establish a special committee to explore the local adoption of CPA comprised of members from a variety of Town boards and committees and local organizations, chaired by a member of the Board of Selectmen. More than 100 municipalities in the Commonwealth are benefiting from this important new resource that could be pivotal to Dighton preserving its history, open space and housing affordability.

### ***Planning and Regulatory Strategies***

The Town of Dighton should consider the following planning and zoning-related strategies to provide appropriate incentives and guidance to promote the creation of additional affordable units:

- *Adopt inclusionary zoning*  
Adopt inclusionary zoning to ensure that any new residential development in Dighton provides a percentage of affordable units or cash in lieu of units.
- *Adopt Affordable Housing Guidelines*  
Prepare and approve Affordable Housing Guidelines to provide guidance to developers on the types of housing proposals that will be acceptable to the community.
- *Encourage more flexible cluster zoning*  
Amend Dighton's Zoning Bylaw to incorporate density bonuses as incentives for producing affordable units in new developments and promote cluster zoning as a "smarter" way for developing new sites to better protect the environment and the rural character of Dighton while offering a broader range of housing options that can promote affordability.

- *Allow starter housing on noncomplying lots*  
Explore zoning options for promoting starter homes on lots that do not meet minimum area or dimensional requirements but might still be suitable for the development of starter housing and prepare and adopt a zoning bylaw to enable these lots to be developed under specific criteria.
- *Promote mixed-use development*  
Promote mixed residential and commercial development through changes in the Zoning Bylaw, directing such development to places in town that already allow commercial uses and are better suited to higher density development.
- *Modify the accessory apartment bylaw*  
Revisit the Zoning Bylaw and to make the creation of accessory apartments easier. Accessory apartments are unlikely to be counted as part of the Subsidized Housing Inventory given existing requirements, but still add needed diversity to the existing housing stock.
- *Exempt affordable housing from subdivision phasing bylaw*  
Amend the existing bylaw to exempt developments with affordable units from the established growth limits.
- *Adopt a duplex development bylaw*  
Amend the Zoning Bylaw to allow duplex or two-family dwellings if at least one of the units is affordable and can be counted as part of the Subsidized Housing Inventory.

### ***Housing Production Strategies***

To accomplish the actions included in this Housing Production Plan and meet production goals, it will be essential for the Town of Dighton to reach out to the development community and sources of public and private financing to secure the necessary technical and financial resources to create actual affordable units. While some of the units produced may rely on the participation of existing homeowners, most of the production will require joint ventures with developers – for profit and non-profit – to create affordable housing.

- *Make publicly-owned land available for affordable housing*  
Convey suitable Town-owned properties to developers for some amount of affordable housing based on identified local terms and conditions.
- *Support private development in line with local guidelines*  
Reach out to local developers who have been active in producing affordable housing to discuss the Town's interest in promoting these units, possible areas and opportunities for new development, local guidelines and priorities for new development, and prospects for working together in the future. This will be particularly useful after the Town has produced Affordable Housing Guidelines and has passed key zoning changes. Also, establish a process for reviewing local development proposals in their early conceptual stages to provide useful feedback to developers on preliminary plans.
- *Convert existing housing to long-term affordability*  
Explore various program models for converting existing housing to units that have long-term affordability restrictions and prepare an implementation plan that outlines program procedures and the respective roles and responsibilities of various municipal staff persons and boards and committees to implement. HOME

Program funding from the Greater Attleboro-Taunton HOME Consortium could be allocated to the program to provide the necessary subsidies as well as CPA funding, if approved.

- *Promote accessory apartments*  
Explore efforts in other communities to promote affordable accessory apartments, such as Wellfleet's, and determine how best to move forward locally.
- *Encourage adaptive reuse*  
Encourage the redevelopment of vacant, underutilized or obsolete property into mixed or residential use.

### ***Housing Preservation***

Housing production is critical, but the Town also should refer eligible homeowners to existing programs that can address the deferred home maintenance needs of lower income residents, including seniors.

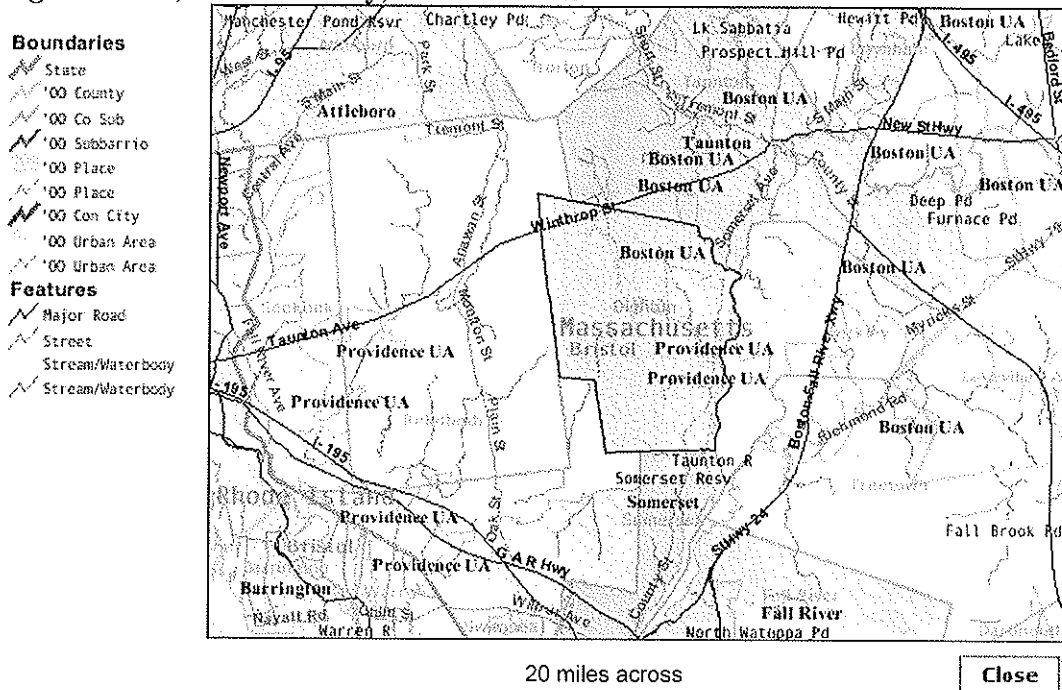
- *Help qualifying homeowners access housing assistance*  
Disseminate information and make referrals to local, regional and state programs that provide technical and financial assistance to help qualifying property owners make necessary home improvements including building code violations, septic repairs, handicapped accessibility improvements and lead paint removal.

## II. INTRODUCTION

### A. Population and Housing Growth

Dighton, at the geographic center of Bristol County in Southeastern Massachusetts, is bordered by Taunton on the north, the Taunton River and Berkley on the east, Somerset and Swansea on the south and southwest, and Rehoboth on the west and northwest. Dighton lies 40 miles to the south of Boston and only 13 miles east of Providence.

#### Dighton town, Bristol County, Massachusetts



Historically, Dighton was originally a part of the city of Taunton, known as the Taunton South Purchase, but became a separate town back in 1672 and renamed in 1712 in honor of Frances Dighton, the wife of Richard Williams.

Like many small communities in New England, Dighton began as an agrarian community. Due to its proximity to water, specifically the Taunton River, shipbuilding took a hold as well. In 1789 Dighton became a port of entry and later was a distribution point for central and southern New England as ships could not pass through the river past Dighton. This pivotal location attracted numerous manufacturing enterprises, among them the Anchor Color and Gum Works, Mt. Hope Cotton Co. that became the Mt. Hope Finishing Co. then subsequently the Raytheon Company in 1958, as well as the silk industry, clock making, herring fishing and strawberry growing.

Today Dighton is a residential suburb of Providence and Boston that has maintained much of its small town rural character. Most farms have been sold for new housing, and most businesses have left the community, however a couple of new local businesses offer significant employment opportunities including Dighton Power Company, Aquaria, American Auto Auctions, and Draka.

Continuous population growth has put significant pressures on the town, local services and the housing market in particular. Much of this growth has resulted from the outward movement of people from

population centers, such as Boston and Providence, in search of more affordable living conditions in which to raise their families.

**Table II-1**  
**Population Change**  
**1950 Through August 2007**  
**Increase From Previous Period**

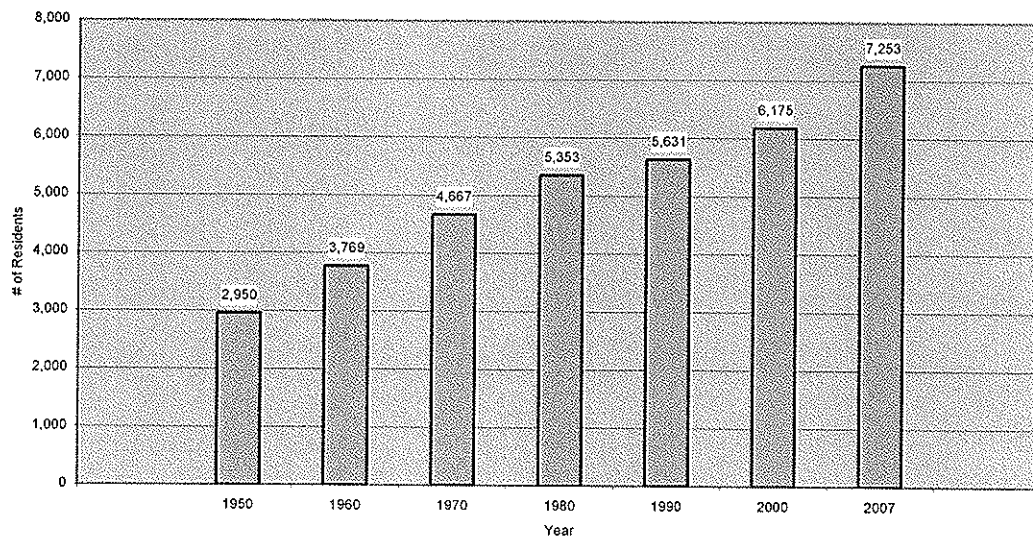
<b>Year</b>	<b>Population</b>	<b>Increase in # Residents</b>	<b>% Increase</b>
1950	2,950	--	--
1960	3,769	819	27.8%
1970	4,667	898	23.8%
1980	5,353	686	14.7%
1990	5,631	278	5.2%
2000	6,175	544	9.7%
As of 9/14/07	7,253	1,044	16.9%

Source: U.S. Census Bureau, Town of Dighton

This data is graphically displayed in Figure II-1 and reveals a fairly steady level of growth as opposed to substantial spurts, with most of the growth occurring between 1950 and 1970, when the population increased by more than 50%. It is also interesting to note that growth is continuing, especially since 2000 when the population increased by more than a thousand residents according to the Town's records.

**Figure II-1**

Population Change 1950 to September 14, 2007



The 2000 census indicated that Dighton had 2,280 housing units, and building permit data counts another 272 units (through the end of 2006) have been added to the housing stock since that time. This growth has exerted increased pressures on the existing housing market leading to high housing values and making it increasingly more difficult for existing residents or those who were raised in the Town to secure affordable living options locally. Housing prices have also attracted greater attention from private



developers interested in the development of housing through the Chapter 40B comprehensive permit process. These market conditions have prompted local leaders and residents to recognize that different strategies might be required to better plan for housing development and insure that it is more directed to serving local needs and objectives.

In the summer of 2007, Dighton's Affordable Housing Committee embarked on the preparation of this Housing Production Plan to provide a proactive housing agenda of Town-sponsored initiatives for meeting pressing local housing needs and bringing Dighton to the state 10% threshold. Due to the rising costs of homeownership, including escalating energy costs and taxes, some residents are finding it increasingly difficult to afford to remain in Dighton. Children who grew up in the Town are now facing the possibility that they may not be able to return to raise their own families locally. Long-term residents, especially the elderly, are finding themselves less able to maintain their homes and keep up with increased real estate taxes but unable to find alternative housing that better meets their current life styles. Families are finding it more difficult to "buy up," purchasing larger homes as their families grow. Town employees and employees of local businesses are increasingly hard pressed to find housing that is affordable. Also, there are those in the region that remain homeless or are at risk of becoming homeless. More housing options are required to address these varying needs.

#### **B. Definition of Affordable Housing**

Affordable housing is not necessarily subsidized housing or low- or moderate-income housing. There are a number of definitions of affordable housing as federal and state programs offer various criteria. For example, the federal government identifies units as affordable if gross rent (including costs of utilities borne by the tenant) is no more than 30% of a household's net or adjusted income (with a small deduction per dependent, for child care, extraordinary medical expenses, etc.) or if the carrying costs of purchasing a home (mortgage, property taxes and insurance) is not more than 30% of gross income. If households are paying more than these thresholds, they are described as experiencing housing affordability problems; and if they are paying 50% or more for housing, they have severe cost burdens.

**Table II-2  
2008 Targeted Income Levels for  
Affordable Housing in the Taunton-Mansfield-Norton Area**

<b># of Persons in Household</b>	<b>30% of AMI</b>	<b>50% of AMI</b>	<b>80% of AMI</b>
<b>1</b>	\$17,350	\$28,950	\$46,300
<b>2</b>	19,850	33,100	52,950
<b>3</b>	22,350	37,200	59,550
<b>4</b>	24,800	41,350	66,150
<b>5</b>	26,800	44,650	71,450
<b>6</b>	28,800	47,950	76,750
<b>7</b>	30,750	51,250	82,050
<b>8+</b>	32,750	54,600	87,350

**2008 Median Family Income for the Taunton-Mansfield-Norton PMSA = \$79,300**

Affordable housing can also be defined according to percentages of median income for the area. Housing subsidy programs can be targeted to particular income ranges depending upon programmatic goals. Extremely low-income housing is directed to households with incomes at or below 30% of area median income as defined by the U.S. Department of Housing and Urban Development (\$24,800 for a family of four for the Dighton-Mansfield-Norton area) and very low-income is defined as households with incomes less than 50% of area median income (\$41,350 for a family of four). Sixty percent (60%) of area median income is used for the Low Income Housing Tax Credit Program or some other rental programs (\$49,600

for a four person household). Low- and moderate-income generally refers to the range between 51% and 80% of area median income (\$66,150 for a family of four at the 80% level). These income levels are summarized in Table II-2.

In general, programs that subsidize rental units are typically directed to households earning within 60% of median income, and first-time homebuyer programs generally apply income limits of up to 80% of area median income. The Community Preservation Act allows resources to be directed to those within a somewhat higher income threshold – 100% of area median income.

In counting a community's progress toward the 10% Chapter 40B goal, the state counts a housing unit as affordable if it is subsidized by state or federal programs that support low- and moderate-income households at or below 80% of area median income under Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B). Additionally, most state-supported housing assistance programs are targeted to households earning at or below 80% of area median income, as well as some at lower income thresholds. *It is worth noting that, according to the 2000 census, approximately one-third of Dighton's households were likely to be income-eligible for affordable housing using the 80% of area median income level without reference to financial assets.*

The Chapter 40B definition of affordable housing is as follows:

**CHAPTER 40B: WHAT IS AFFORDABLE HOUSING?**

1. Subsidized by an eligible state or federal program.
2. Subject to long-term use restriction limiting occupancy to income-eligible households for a specified period of time (at least 30 years or longer for newly created affordable units and at least 15 years for rehabilitated units).
3. Subject to an Affirmative Fair Housing Marketing Plan.

According to Chapter 40B regulations, the ZBA decision to deny or place conditions on a comprehensive permit project cannot be appealed by the developer if any of the following conditions are met<sup>7</sup>:

- The community has met the “statutory minima” by having at least 10% of its year-round housing stock affordable as defined by Chapter 40B, at least 1.5% of the community’s land area includes affordable housing as defined again by 40B, or annual affordable housing construction is at least 0.3% of the community’s land area.
- The community has made “recent progress” adding SHI eligible housing units during the prior 12 months equal at least to 2% of its year-round housing.
- The community has a one- or two-year exemption under Housing Production.
- The application is for a “large project” that equals at least 6% of all housing units in a community with less than 2,500 housing units.
- A “related application” for the site was filed, pending or withdrawn within 12 months of the application.

<sup>7</sup> Section 56.03 of the new Chapter 40B regulations.

If a municipality does not meet any of the above thresholds, it is susceptible to appeals by comprehensive permit applicants of the ZBA's decision to the state's Housing Appeals Committee (HAC). This makes the Town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.<sup>8</sup>

Based on the Massachusetts Department of Housing and Community Development's most recent data on the Chapter 40B Subsidized Housing Inventory, Dighton had 2,261 year-round housing units, of which 143 units are counted as affordable by the state, representing 6.32% of the year-round housing stock. Dighton is therefore vulnerable to losing control over housing development through Chapter 40B comprehensive permit applications and would need at least 83 more affordable units to meet the 10% standard based on the existing housing stock. Assuming future housing growth, this 10% figure is a moving target and ultimately the required minimum number of year-round units will increase over time.

Also worth noting is that, provided the community can demonstrate the associated need and the absence of any disparate impacts in the Affirmative Fair Housing Marketing Plan, up to 70% of units in an affordable housing development can be set-aside as "local or community preference units". Within the parameters of fair housing laws and Section III.C of the Comprehensive Permit Guidelines, the criteria for these units can be defined by the Town as Dighton residents, employees of the Town of Dighton (including the School District) or employees of businesses located in town.

Dighton is not alone in this quandary about how to meet the 10% state goal. Most of Dighton's neighbors also have affordable housing levels below the state target. The level of housing affordability in each of the nearby towns is as follows:

1. Berkley – 41 units (2.2%)
2. **Dighton – 143 units (6.3%)**
3. Lakeville – 287 units (8.5%)
4. Norton – 420 units (7.1%)
5. Raynham – 480 units (11.4%)
6. Rehoboth – 52 units (1.4%)
7. Somerset – 262 units (3.7%)
8. Swansea – 235 units (3.9%)
9. Taunton – 1,869 units (8.17%)

Dighton, at 6.3%, has a higher percentage of affordable housing than its neighbors of Berkley, Rehoboth, Somerset and Swansea, all below 4% levels. However, other communities in the region, particularly the city of Taunton and town of Lakeville have made considerable progress, with Raynham above the 10% threshold.

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<sup>8</sup> Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

### C. Housing Goals

The Town of Dighton has identified the following goals that serve as the basis for the strategies that are proposed in this Affordable Housing Plan:

- *Meet local needs across the full range of incomes, sustaining social and economic diversity and promoting the stability of individuals and families in Dighton.*  
It can be argued that diversity in a community contributes to local health and vitality, and that differences enrich us all. Certainly the preservation and production of affordable housing is a proven method for promoting diversity, allowing those individuals and families with more limited means to afford to live in the community, particularly when the housing market is becoming increasingly oriented to the more affluent.
- *Add to the housing stock in a way that is compatible with the fabric, architecture, natural resources, and services of existing neighborhoods.*  
New affordable housing development should be harmonious with the existing community, becoming an amenity that blends well within the architectural context of Dighton. Therefore, developments to the greatest extent possible should incorporate a number of characteristics – mixed-income, covering a wide range of income needs; low to medium density, scattered-site, eliminating huge impacts in any one residential neighborhood; and well designed to make maximum use of the natural attributes of development sites and to conform with the small-town character of Dighton. Moreover, development should occur at a pace that will not place undue burdens on municipal services.
- *Preserve the existing housing stock including units that are affordable.*  
Dighton should consider opportunities for maintaining what affordability currently exists within the Town's unsubsidized and subsidized housing stock, protecting this affordability through use restrictions for as long a period of time as possible.
- *Proactively pursue new affordable housing development opportunities to meet the 10% state affordable housing goal.*  
Identify development opportunities that will be in line with community needs and priorities, secure requisite sources of financing and undertake the necessary outreach to obtain local input and support.
- *Promote smart growth development.*  
Smart growth development is a response to the problems associated with unplanned, unlimited suburban development – or sprawl – and calls for more efficient land use, compact development patterns, less dependence on the automobile, a range of diverse housing opportunities and choices, equitable allocation of the costs and benefits of development, and an improved jobs/housing balance. Some principles of smart growth development include:
  - 1) Providing mixed-use development near the town and village centers;
  - 2) Locating housing in close proximity to public transportation, where available;
  - 3) Allowing higher density housing or mixed-use development near transit stops, along commercial corridors or in town and village centers;
  - 4) Redeveloping environmentally impacted or brownfields sites;
  - 5) Restoring vacant and abandoned residential buildings to productive use;

- 6) Converting vacant or underutilized former manufacturing, institutional, commercial or municipal buildings to housing;
- 7) Encouraging the development of housing and preservation of open space so that the goals of each will be mutually satisfied using techniques such as cluster zoning, transfer of development rights, or other innovative zoning or regulatory devices;
- 8) Promoting the redevelopment of vacant infill parcels; and
- 9) Participating in regional responses to addressing affordable housing needs.

### III. HOUSING NEEDS ASSESSMENT

This Housing Needs Assessment presents an overview of the current housing situation in the town of Dighton, providing the context within which a responsive set of strategies can be developed to address housing needs and meet production goals. It has been increasingly difficult for individuals and families to find affordable housing in the private market; and the private market, without subsidies or zoning relief, is not capable of producing housing that is affordable to low- and moderate-income households. As a result, it becomes necessary to increasingly rely on regulatory relief and housing subsidies in some form to preserve affordable housing and to produce enough units to meet existing affordable housing needs and demands.

#### A. Demographic Characteristics

##### 1. Population and Household Type

The 2000 census data indicates that Dighton had a total population of 6,175, a 9.7% increase over the 1990 population of 5,631 and a 15.4% increase since 1980 when the population was 5,352. Recent population counts by the Town of Dighton indicate an increase of 1,044 new residents for a total population as of September 14, 2007 of 7,253. Therefore Dighton experienced a 17% population increase very recently clearly signaling that the town is growing at a fairly rapid pace.

**Table III-1  
Population Characteristics  
1980-2000**

	1980		1990		2000	
	#	%	#	%	#	%
<b>Total Population</b>	5,352	100.0	5,631	100.0	6,175/7,253 (as of 9/14/07)	100.0
<b>Total Households</b>	1,720	100.0	1,927	100.0	2,201	100.0
<b>Family Households***</b>	1,447	84.1	1,566	81.3	1,717	78.1
<b>Non-family Households***</b>	273	15.9	361	18.7	483	21.9
<b>Female Headed Families ***</b>	90 (with children)	5.2	178	9.2	112	5.1 (with children)
<b>Average Household Size</b>	--		2.89 persons		2.78 persons	

Source: U.S. Census Bureau, Census 1980, 1990 and 2000 Summary File 1

\* Percent of total population

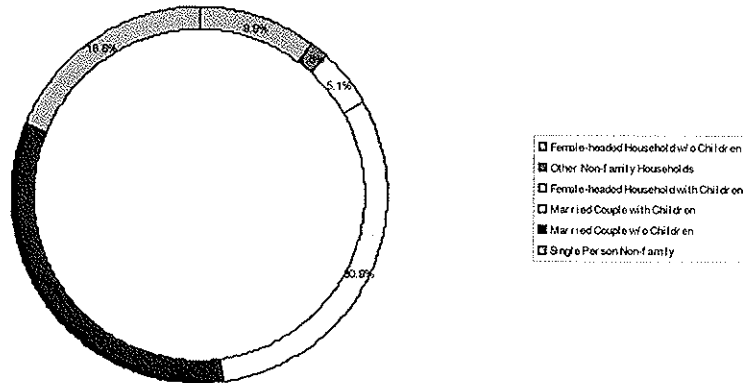
\*\*\* Percent of all households

Dighton remains predominantly a town of families representing 78% of all households. Those with children included 823 families or 37% of all households. Married couples with children were 31% of all households in 2000.

Nevertheless, since 1980 the proportion of non-family households has increased from 15.9% of all households to 21.9%, reflecting national trends towards greater numbers of nontraditional households composed of singles or unrelated individuals. Figure III.1 summarizes household composition in Dighton based on the 2000 census data.

**Figure III-1**

Household Composition



The increase in typically smaller, non-family households is also reflected in the average household size that decreased from 2.89 persons in 1990 to 2.78 persons in 2000. While family households still increased by 270 households from 1980 to 2000, they decreased as a proportion of all households from 84.1% to 78.1% over the same period. Female-headed households with children have remained about 5% of all households.

## 2. Race

Minority residents represent a very small segment of Dighton's population, but increased by more than 100 residents from 1980 to 2000, from 0.6% to 2.2% of all residents. Likewise the numbers and proportions of foreign-born residents, including those who entered the country from 1990 to 2000, increased over the past two decades as well.

**Table III-2**  
Racial and Immigrant Information, 1980 – 2000

	1980		1990		2000	
	#	%	#	%	#	%
<b>Minority Population *</b>	33	0.6	53	0.9	136	2.2
<b>Black</b>	0	0.0	16	0.3	33	0.5
<b>Asian</b>	6	0.1	8	0.14	30	0.5
<b>Latino **</b>	5	0.09	67	1.2	66	1.1
<b>Foreign Born</b>	219	4.1	257	4.6	318	5.1
<b>Entered US Previous 10 years</b>	13	0.2	41	0.7	60	1.1

Source: U.S. Census Bureau, Census 1980, 1990 and 2000 Summary File 3

\* All non-White classifications \*\* Latino or Hispanic of any race.

## 3. Age Distribution

The town's population is also aging, presenting another factor contributing to smaller household size. The age distribution of the town's residents is summarized in Table III-3 and Figure III-2 below.

**Table III-3  
Age Distribution  
1980-2000**

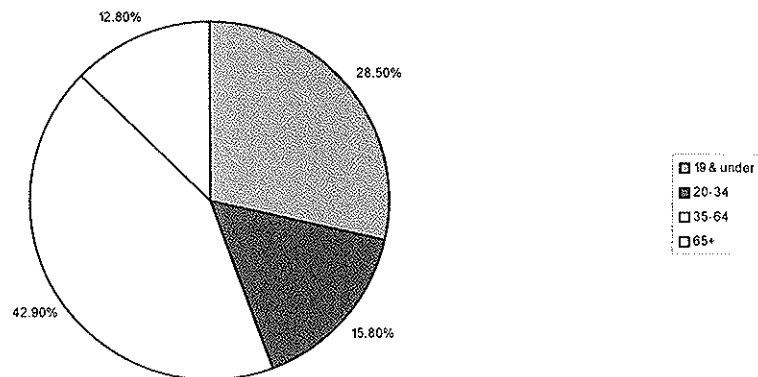
Age Range	1980		1990		2000	
	#	%	#	%	#	%
19 Years and under	1,791	33.5	1,578	28.0	1,757	28.5
20 – 34 Years	1,193	22.3	1,215	21.6	975	15.8
35 – 64 Years	1,783	33.3	2,074	36.8	2,651	42.9
65 + Years	585	10.9	764	13.6	792	12.8
Total	5,352	100.0	5,631	100.0	6,175	100.0
Median Age	Not Available		Not Available		38 years	

Source: 1980, 1990 and 2000 U.S. Census Bureau

From 1980 to 2000, the portion of those 19 years of age and younger decreased from 33.5% to 28.5% and the actual numbers of children in this age range decreased by 213 from 1980 to 1990 and then increased by 179 residents, still below the 1980 level. This has implications for school enrollments if such downward trends continue. Also, like many more affluent communities in Massachusetts, Dighton experienced a decrease in those young adults age 20 to 34 who are entering the job market and forming their own families, decreasing from 22.3% of the population to 15.8% and decreasing in number by 218 residents from 1980 to 2000. This is in contrast with the city of Taunton where those in this age range were 21.7% of the population in 2000, most likely reflective of more affordable living conditions and job opportunities for entry-level workers.

**Figure III-2**

**Age Distribution of Population**



On the other hand, there was a substantial population increase among those between the ages of 35 and 64, involving an additional 868 new residents in this age range between 1980 and 2000 or a percentage change of almost 50%. This demonstrates that those in the prime of their earning potential are becoming a growing segment of Dighton's population, largely fueling population growth.



The population of seniors 65 years of age or over is also growing, from 10.9% of the population in 1980 to 12.8% in 2000, involving an increase of 207 residents in this age category. This increase also has housing ramifications including the need to consider producing more housing options for this population that might be more conducive to their lifestyles than the higher maintenance and more isolated single-family dwelling unit.

#### 4. *Income Distribution*

Residents of Dighton are also becoming more affluent as a whole. The median household income in 1999 was \$58,600, up 44% from the 1989 median income of \$40,817 and almost triple the median income in 1979 of \$19,567, not adjusted for inflation. These income levels are higher than the state as a whole with a median income of \$50,502 in 1999. A comparison of 1979, 1989 and 1999 income figures is presented in Table III-4.

**Table III-4**  
**Income Distribution by Household**  
**1979-1999**

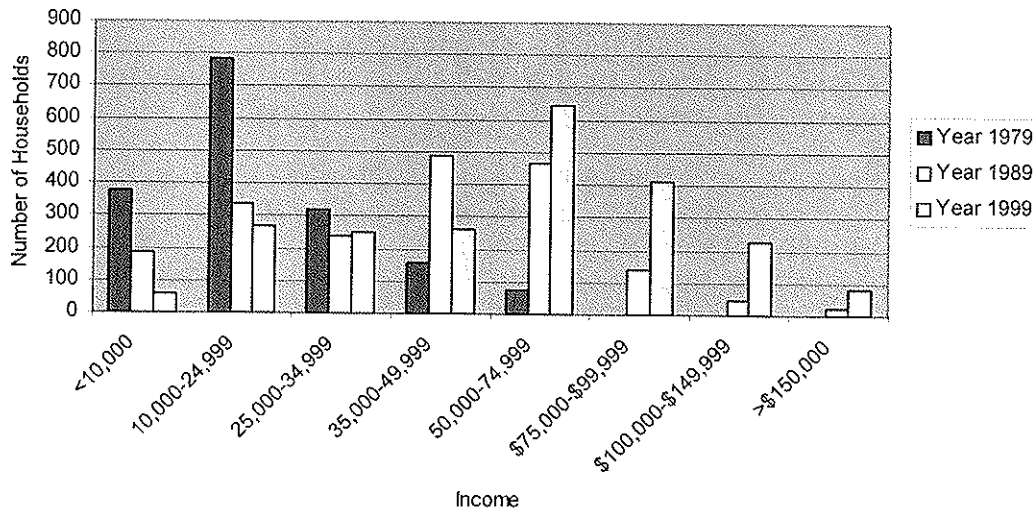
Income Range	1979		1989		1999	
	#	%	#	%	#	%
<b>Under \$10,000</b>	376	21.9	187	9.7	56	2.6
<b>10,000-24,999</b>	786	45.7	338	17.5	266	12.1
<b>25,000-34,999</b>	322	18.7	238	12.4	250	11.4
<b>35,000-49,999</b>	159	9.2	490	25.4	264	12.0
<b>50,000-74,999</b>	77	4.5	465	24.1	644	29.3
<b>75,000-99,999</b>			140	7.3	412	18.8
<b>100,000-149,999</b>			45	2.3	224	10.2
<b>150,000 +</b>			24	1.2	80	3.7
<b>Total</b>	1,720	100.0	1,927	100.0	2,196	100.0
<b>Median income</b>	\$19,567		\$40,817		\$58,600	

Source: U.S. Census Bureau, Census 1980, 1990 and 2000 Summary File 3

There were decreases in the numbers of households in all of the income ranges below \$35,000 from 1980 to 2000, and levels fluctuated in the \$35,000 to \$49,999 range, from 9.2% of all households earning in this range in 1979 up to 25.4% in 1989 and then down to 12.0% in 1999. The numbers of households earning more than \$50,000 increased over the two decades. For example, those earning more than \$50,000 grew from 4.5% in 1979 to 34.9% in 1989 to 62% in 1999. Figure III-3 below clearly demonstrates the substantial increase in income levels for households in Dighton from 1980 to 2000. Despite inflation these figures are dramatic, highlighting the changes that the town is confronting in terms of its residents and related to the escalation of housing prices.

**Figure III-3**

Income Distribution by Census



These income levels are higher than those of Bristol County as a whole when viewed proportionately to population size as demonstrated in Table III-5.

**Table III-5**  
**Income Distribution by Household: Bristol County vs. Dighton**  
**1999**

	Bristol County		Dighton	
	#	%	#	%
Under \$10,000	21,933	10.7	56	2.6
10,000-24,999	39,658	19.3	266	12.1
25,000-34,999	22,336	10.9	250	11.4
35,000-49,999	31,647	15.4	264	12.0
50,000-74,999	43,089	21.0	644	29.3
75,000-99,999	24,316	11.8	412	18.8
100,000-149,999	16,305	7.9	224	10.2
150,000 or more	6,272	3.0	80	3.7
Total	205,556	100.0	2,196	100.0
Median income	\$43,496		\$58,600	

Source: 1990 and 2000 U.S. Census Bureau

The percentage of those earning less than \$35,000 was about 40.9% for Bristol County and 26.1% for Dighton while those earning above the \$75,000 threshold included approximately 22.7% of households in Bristol County versus more than 58.8% of the households in Dighton, representing significant contrasts. Dighton's median income was also significantly higher than the county's, \$58,600 and \$43,496,

respectively. *Projecting the change in Dighton's median income for 2007, the current median is in fact closer to \$70,950.*<sup>9</sup>

Despite increasing household wealth, there still remains a population living in Dighton with very limited financial means. The 2000 census indicated that of the 2,196 total households counted in 1999, 56 or 2.6% had incomes of less than \$10,000 and another 266 or 12.1% had incomes between \$10,000 and \$24,999, representing very low-income levels. Also, 250 additional households had incomes within the \$25,000 and \$34,999 range and still another 264 earned between \$35,000 and \$49,999. The combined number of households within these income categories was, 836 in 2000 or 38% of all Dighton households.

The U.S. Department of Housing and Urban Development (HUD) prepares a special report that identifies cost burdens by household type and whether they are renters or owners, offering the following breakdown of households within income categories.

**Table III-6**  
**Type of Households by Income Category**  
**2000**

Type of Household	Households Earning < 30% MFI	Households Earning > 30% But < 50% MFI	Households Earning > 50% But < 80% MFI	Households Earning > 80% MFI	Total
<b>Elderly Renters</b>	27	23	19	10	79
<b>Small Family Renters</b>	20	20	20	70	130
<b>Large Family Renters</b>	10	0	10	20	40
<b>Other Renters</b>	23	14	45	15	97
<b>Total Renters</b>	80	57	94	115	346
<b>Elderly Owners</b>	58	99	105	105	367
<b>Small Family Owners</b>	0	20	105	1,005	1,130
<b>Large Family Owners</b>	0	10	30	155	195
<b>Other Owners</b>	14	18	39	78	149
<b>Total Owners</b>	72	147	279	1,343	1,841
<b>Total</b>	152	204	373	1,458	2,187

Source: U. S. Department of Housing and Urban Development (HUD), SOCDS CHAS Data, 2000.  
MFI indicates median family income.

This data suggests that 231 renter households and 498 owner households were earning at or below 80% of area median income in 2000 for a total of 729 households, 152 of which earned at the extremely low-income end of the range of at or below 30% of area median income. It also indicates that there are considerable numbers of seniors and small families that have limited financial means to afford housing under current market conditions without public subsidies. Consequently, based on this income

<sup>9</sup> Adjusted income level derived by calculating the increase in HUD median income for the area from 2000 to 2007 and applying this percentage change (21.07%) to the 2000 median income for Dighton per the 2000 census.

information, one-third of Dighton's households would likely have qualified for housing assistance in 2000 as their incomes were at or below 80% of area median income, defined by the U.S. Department of Housing and Urban Development (HUD) as \$50,200 for a family of four.<sup>10</sup>

##### 5. *Poverty*

The 2000 census indicated that the absolute numbers of those living below the poverty level (\$10,210 for an individual and \$17,170 for a family of three in 2007) decreased in all categories from 1980 to 2000. For example, the number of individuals in poverty decreased from 277 or 5.2% of the population in 1979 to 221 persons or 3.9% of all residents in 1989, then to 159 persons and 2.6% in 1999. Families in poverty were only about 1% in 1999, down from 4% in 1979. Most notably, seniors 65 years or older who were living in poverty dropped from 107 persons or 18.3% of all seniors to only nine (9) or 1.2% in 1999. Nevertheless, there remains those who were living in Dighton in 2000, including 3.8% of all children under the age of 18 and 1.2% of all those over the age of 65, who had substantial income limitations and likely required public assistance to meet their housing needs.

Table III-7 presents this data on poverty in Dighton.

**Table III-7  
Poverty Status  
1989-1999**

	1979		1989		1999	
	#	%	#	%	#	%
<b>Individuals Below Poverty *</b>	277	5.2	221	3.9	159	2.6
<b>Families **</b>	58	4.0	36	2.3	17	1.0
<b>Female Headed Families with Children ***</b>	10	11.1	13	--	9	9.1
<b>Related Children Under 18 Years ****</b>	78	4.6	35	2.4	61	3.8
<b>Individuals 65 and Over*****</b>	107	18.3	71	9.3	9	1.2

Source: U.S. Census Bureau, Census 1980, 1990 and 2000 Summary File 3

\* Percentage of total population

\*\* Percentage of all families

\*\*\* Percentage of all female-headed families

\*\*\*\* Percentage of all families with related children under 18 years

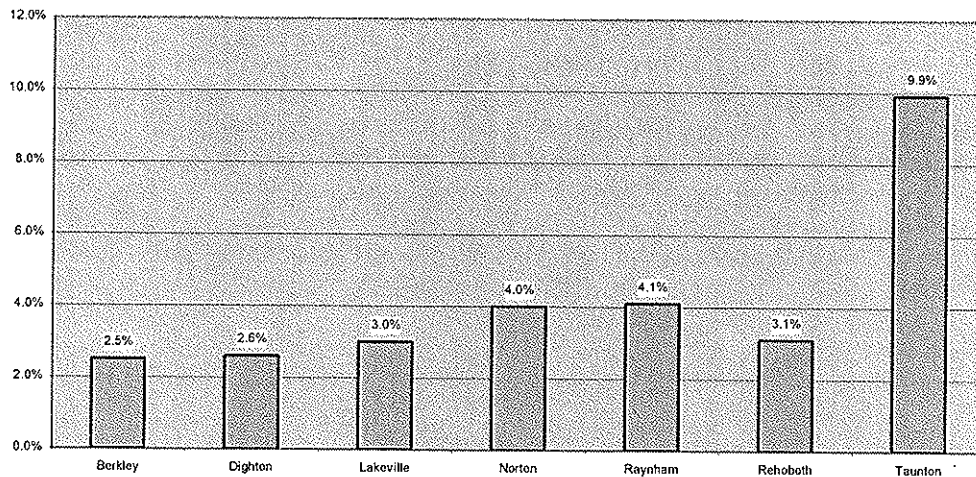
\*\*\*\*\* Percentage of all individuals age 65+

Dighton's poverty rate is at the low end but fairly comparable to most nearby communities with the exception of Taunton as summarized in Figure III-4.

<sup>10</sup> While these households' incomes might be at or below 80% of area median income, many households are likely to have assets that are more than the allowable state or federal standards that would disqualify them from housing assistance.

**Figure III-4**

**Percent of Population Below Poverty Level**



**6. Employment**

The 2000 census indicated that more than one-third of Dighton's workers, 34.7%, were involved in management or professional occupations and more than half, 52.4%, were employed in more retail and service oriented jobs that supported the local economy including construction and maintenance occupations (13.2%), sales and office occupations (23.6%), and service occupations (15.6%). While 73.4% were salaried workers, another 20.9% were government workers and 5.3% were self-employed.

Additional information on employment patterns indicated that of those Dighton residents who were employed over the age of 16 or 3,255 workers, 363 or about 11% worked in the community, suggesting relatively few employment opportunities in town.

**7. Education**

The educational attainment of Dighton residents has improved. In 2000, 85.8% of those 25 years and older had a high school diploma or higher, and 25.1% had a Bachelor's degree or higher, up from the 1990 figure of 75.5% with high school attainment and 20.2% with a college degree. The proportion of those with a college degree was higher than that for the county in 2000 of 19.8%. Those enrolled in school (nursery through graduate school) totaled 1,734 or 28.1% of the population, and those enrolled in kindergarten through high school totaled 1,284, 74% of those who were enrolled in school and 20.8% of the total population.

**8. Disability Status**

Of the 2000 population age 5 to 20 years old, 97 or 6.5% had some disability. Of those aged 21 to 64, 360 or 10.2% claimed a disability. About 48% of this group was unemployed, likely due to the disability. In regard to the population 65 years of age or older, 481 or 63% of those in the age group claimed some type of disability. These levels of disability represent significant special needs within the Dighton community.

**9. Residency in 1995**

About 22% of those over the age of five living in Dighton in 2000 lived in a different house in 1995 – 17.8% came from Bristol County, 4.3% came from a different county, with 1.9% coming from the same

state and 2.4% coming from a different state or elsewhere, representing significant mobility of the Town's population.

**B. Housing Characteristics**

The 2000 census counted 2,280 total housing units in Dighton, up 14.3% from 1,994 units in 1990 and a 27.5% increase from 1,788 units in 1980. Out of total housing units in 2000, Dighton had 2,201 occupied units, of which 1,849 or 84% were owner-occupied while the remaining 352 units or 16% were rental units. These figures represent a much lower level of rental units in 2000 in comparison to the county and state where 38.1% and 38.3% of the units were renter-occupied, respectively. Table III-8 includes a summary of these housing characteristics.

**Table III-8  
Housing Characteristics  
1980-2000**

	1980		1990		2000	
	#	%	#	%	#	%
<b>Total # Housing Units</b>	1,788	100.0	1,994	100.0	2,280/2,552 (as of 12/06)	100.0
<b>Occupied Units *</b>	1,731	96.8	1,927	96.6	2,201	96.5
<b>Occupied Owner Units **</b>	1,420	82.0	1,606	83.3	1,849	84.0
<b>Occupied Rental Units **</b>	311	18.0	321	16.7	352	16.0
<b>Total Vacant Units/Seasonal, Recreational or Occasional Use *</b>	57/33	3.2/1.8	67/12	3.4/0.6	79/19	3.5/0.8
<b>Average House-Hold Size of Owner-Occupied Unit</b>	Not Available		3.01 persons		2.91 persons	
<b>Average House-Hold Size of Renter-Occupied Unit</b>	Not Available		2.29 persons		2.13 persons	

Source: U.S. Census Bureau, Census 1980, 1990 and 2000 Summary File 1

\* Percentage of all housing units \*\* Percentage of occupied housing units

A quick comparison of certain housing characteristics for Dighton with those of the state and nation suggests substantial disparities including a higher level of owner-occupancy and lower percentages of households paying too much for housing as noted in Table III-9.

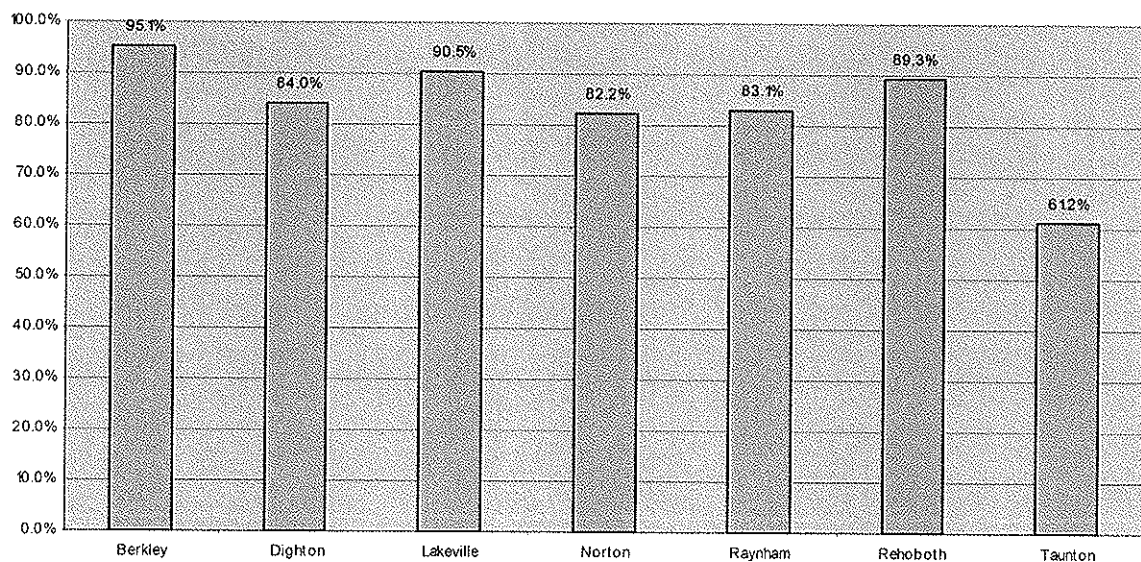
**Table III-9**  
**Comparison of Selected Housing Characteristics**  
**2000**

	Avg. Household Size	% Owner-Occupied Units	% Renter-Occupied Units	Rental Vacancy Rate	Ownership Vacancy Rate	% Housing Units that Predate 1960	% Owners Paying > 35% of Income on Housing	% Renters Paying > 35% of Income on Housing
Dighton	2.78 persons	84.0%	16.0%	4.1%	0.8%	56.7%	6.8%	16.4%
Mass.	2.51 persons	61.7%	38.3%	3.5%	0.7%	55.6%	16.2%	28.6%
U.S.	2.59 persons	66.2%	33.8%	6.8%	1.7%	35.0%	15.8%	29.5%

Source: 2000 U.S. Census

The rate of homeownership in Dighton was substantially higher than that of the state and national averages, 84% versus 61.7% and 66.2%, respectively. However, Dighton's owner-occupancy level is comparable to that of many nearby or neighboring communities as indicated in Figure III-5, ranging from 83.1% in Raynham to a high of 95.1% in neighboring Berkley. Only Taunton had a much more significant rental housing market with an owner-occupancy level of 61.2%.

**Figure III-5**  
**Levels of Owner-Occupancy**



Total growth in Dighton's housing stock from 1980 to 1990 was 206 units and from 1990 to 2000 it was 286 units for a total of almost 500 new units during these two decades. This increase included an additional 41 rental units and 429 owner units. Although rental units increased at a very slow pace, other communities lost rental units including Berkley and Norton as indicated in Table III-10. Swansea, Raynham and Lakeville all experienced rental unit increases between 1990 and 2000 of more than 35%.

**Table III-10**  
**Rental Unit Growth for Dighton and Neighboring Communities**  
**1990 to 2000**

Community	1990	2000	Change #/%
Berkley	111	91	-20/18.0%
Dighton	321	352	31/9.7%
Lakeville	225	314	89/39.6%
Norton	1,058	1,043	-15/-1.4%
Raynham	509	701	192/37.7%
Rehoboth	326	376	50/15.3%
Somerset	1,062	1,264	202/19.0%
Swansea	641	893	252/39.3%
Taunton	7,965	8,550	585/7.3%

Source: U.S. Census Bureau, Census 1990 and 2000 Summary File 1

The 2000 census counted 3.5% of the housing stock, or 79 units, as vacant, of which only 19 units involved seasonable, recreational or occasional use. The homeowner vacancy rate was 0.4%, down from 1.0% in 1990; and the rental vacancy rate of 4.1% also represented a decline from 4.5% in 1990. These vacancy rates signal a strong housing market as any level below 5% is considered to represent tight market conditions.

**Table III-11**  
**Vacancy Rates**  
**1990 and 2000**

<b>Vacancy Rates by Tenure</b>				
	1990	2000	MA 2000	Nation
Rental	4.5	4.1	3.5%	5%
Owner-Occupied	1.0	0.4	0.7%	3%

Source: U.S. Census Bureau, Census 1990 and 2000 Summary File 1

The 2000 census indicated that 84.1% of the existing housing units were in single-family detached structures involving 1,918 units, a great deal higher than that for the state at 52.4%. In fact almost all of the net gains in units created between 1980 and 2000 were not surprisingly single-family homes, and overall multi-family dwelling units declined from 345 to 321 units. There were an additional 45 units in single-family attached structures and 221 units in two to four-unit buildings. Another 55 units were in buildings of five units or more, representing 2.4% of Dighton's housing stock, reflecting Dighton's relative lack of larger multi-family housing. There were also another 41 units or 1.8% of the housing stock in the "other" category, suggesting the likelihood of numerous mobile homes.



**Table III-12**  
**Units in Structure**  
**1980-2000**

	1980		1990		2000	
	#	%	#	%	#	%
<b>1-detached</b>	1,377	78.5	1,589	79.7	1,918	84.1
<b>1-attached</b>	11	0.6	27	1.4	45	2.0
<b>2</b>	210	12.0	239	12.0	104	4.6
<b>3-4</b>	44	2.5			117	5.1
<b>5-9</b>	80	4.6	79	4.0	55	2.4
<b>10+</b>			4	0.2	0	0.0
<b>Other</b>	33	1.9	56	2.8	41	1.8
<b>Total</b>	1,755	100.0	1,994	100.0	2,280	100.0

Source: U.S. Census Bureau, Census 1980, 1990 and 2000 Summary File 3

Almost 60% of Dighton's housing stock, 1,294 units, was built prior to 1970, and more than one-quarter was built prior to World War II, which is somewhat lower than the state average of 34.5% and the county figure of 32.9%. An aging housing stock can indicate units in need of updating, not in compliance with building and sanitary codes, and containing lead paint.

**Table III-13**  
**Year Structure Built**  
**2000**

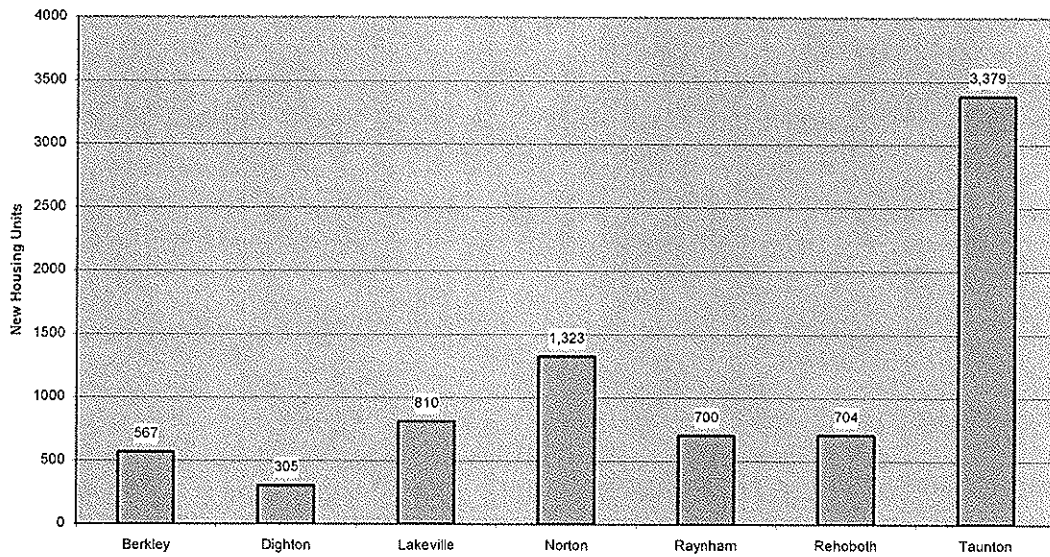
<b>Time Period</b>	<b>#</b>	<b>%</b>
<b>1999 to March 2000</b>	82	3.6
<b>1995 -1998</b>	94	4.1
<b>1990-1994</b>	129	5.7
<b>1980-1989</b>	263	11.5
<b>1970-1979</b>	418	18.3
<b>1960-1969</b>	308	13.5
<b>1940-1959</b>	381	16.7
<b>1939 or earlier</b>	605	26.5
<b>Total</b>	2,280	100.0

Source: U.S. Census Bureau, Census 2000 Summary File 3

There were also significant numbers of units produced between 1970 and 1990, totaling 681 units or about 30% of the housing stock. Another 305 units, 13.4%, were produced from 1990 through 2000, representing a significant portion of newer housing in Dighton that is likely to be in good condition. In comparison to many neighboring or nearby communities, Dighton produced fewer housing units between 1990 and 2000 as summarized in Figure III-8.

**Figure III-8**

**Increase in Housing Units 1990 to 2000**



The median number of rooms per housing unit was 6.2, indicating that the average home had three bedrooms. The number of rooms per dwelling ranged from four rooms or less in 369 units (16.2%) to nine rooms or more in 230 units (10.1%), representing a relatively small number of very large residential units. There were seven (7) units counted in the 2000 census with only single rooms.

Table III-14 presents information on residential building permits that were issued from 1996 to 2006.

**Table III-14**  
**Residential Building Permit Data**  
**1997 through 2006**

Year	# Building Permits Issued
1996	23
1997	29
1998	31
1999	53
2000	26
2001	26
2002	49
2003	59
2004	38
2005	35
2006	39
Total	408
Average # Permits 1996-2006	37
Average # Permits 2000-2006	39

Source: Dighton Building Department

The building permit data indicates a high of 59 permits issued in 2003 to a low of 23 permits in 1996, with an average of 37 permits per year since 1996 and up a bit to an average of 39 permits from 2000 to 2006. This data also indicates that since the 2000 census, another 272 units were added to Dighton's total housing stock through the end of 2006.

### C. Housing Market Conditions

#### I. Ownership

Census data also provides information on housing values for homeownership and rental. The census indicated that the 2000 median house value was \$153,000, up about 4% from the median in 1990 of \$147,500. According to the 2000 census, Dighton still had a fairly sizable supply of affordable homes with 746 or 46% valued at less than \$150,000, including 51 valued at less than \$100,000.<sup>11</sup>

**Table III-15  
Housing Values  
1990 - 2000**

Price Range	1990		2000	
	#	%	#	%
Less than \$50,000	17	1.3	0	0.0
\$50,000 to \$99,999	110	8.5	51	3.2
\$100,000 to \$149,999	550	42.7	695	43.0
\$150,000 to \$199,999	435	33.8	665	41.2
\$200,000 to \$299,999	148	11.5	161	10.0
\$300,000 to \$499,999	28	2.2	44	2.7
\$500,000 or more			0	0.0
<b>Total</b>	<b>1,288</b>	<b>100.0</b>	<b>1,616</b>	<b>100.0</b>
<b>Median (dollars)</b>	<b>\$147,500</b>		<b>\$153,000</b>	

Source: U.S. Census Bureau, Census 1980, 1990 (Summary File 1) and 2000 Summary File 3

Census data is derived primarily from Assessors' information, and more current Assessor's data is provided in Table III-16. Current assessments indicate that only 41 residential properties were assessed for less than \$200,000 including 33 single-family homes and eight (8) condominiums, representing 1.8% of the existing housing stock, excluding mobile homes. More than one-third, or 34.7%, were valued between \$200,000 to \$299,999 and another 38.4% between \$300,000 and \$399,999, comprising the bulk of Dighton's housing of 1,624 units or almost three-quarters of all housing in town. Another 371 units were valued between \$400,000 and \$499,999 and 184 properties were assessed for more than \$500,000.

This Assessor's data also demonstrates how relatively small condo and multi-family properties are in comparison to single-family homes with 36 condos and 122 multi-family properties as opposed to 2,062 single-family homes. This data also counted 31 mobile homes that ranged in assessed value from \$13,700 to \$434,700, with a median assessment of \$179,100.

<sup>11</sup> Census housing values are derived from Assessor's data that typically does underestimate market value somewhat.

**Table III-16**  
**Assessed Values of Residential Properties**

Assessment	Single-family Dwellings		Condominiums		Multi-family Dwellings*		Total	
	#	%	#	%	#	%	#	%
0-\$199,999	33	1.6	8	22.2	0	0.0	41	1.8
\$200,000-\$299,999	725	35.2	27	75.0	19	15.6	771	34.7
\$300,000-\$399,999	779	37.8	1	2.8	73	60.0	853	38.4
\$400,000-\$499,999	350	17.0	0	0.0	21	17.2	371	16.7
\$500,000-\$599,999	125	6.1	0	0.0	6	5.0	131	5.9
\$600,000-\$699,999	33	1.6	0	0.0	0	0.0	33	1.5
\$700,000-\$799,999	5	0.2	0	0.0	2	1.6	7	0.3
\$800,000-\$899,999	5	0.2	0	0.0	1	0.8	6	0.3
\$900,000-\$999,999	4	0.2	0	0.0	0	0.0	4	0.2
Over \$1 million	3	0.1	0	0.0	0	0.0	3	0.1
<b>Total</b>	<b>2,062</b>	<b>100.0</b>	<b>36</b>	<b>100.0</b>	<b>122</b>	<b>100.0</b>	<b>2,220</b>	<b>100.0</b>

Source: Dighton Town Assessor, fiscal year 2006.

\* Includes two-family, three-family, and other multi-family properties.

Table III-17 provides a breakdown of the number of units existing within various affordability ranges.

**Table III-17**  
**Approximate Cost of Homeownership Units in Dighton, 2007**

Approximate Home Price Range	Affordability Range (% HUD Median Family Income for 2006/2007)	Single-Family Units Available in Home Price Range	
		Number	%
Less than \$125,000	Less than 50% (Less than \$37,200)	2	0.1
\$125,000 - \$199,999	50% - 80% (\$37,200 - \$59,550)	31	1.5
\$200,000 - \$265,000	80% - 100% (\$59,550 - \$79,300)	313	15.2
\$265,000 - \$320,000	100% - 120% (\$79,300 - \$95,160)	692	33.6
More than \$320,000	More than 120% (More than \$95,160)	1,024	49.7
<b>Total</b>		<b>2,062</b>	<b>100.0</b>

Source: Town of Dighton Assessor's Database. Please note that as a standard practice, assessed value is assumed to be 93% of actual value or potential sale price.

According to Assessor's data, more than 83.9%, of Dighton's single-family homes are affordable only to households earning 100% or more of the area median income (\$79,300) in 2007. There were only 33 houses valued within the means of those low- and moderate-income households earning at or below 80% of area median income, or \$59,550 for a household of three. Only another 313 single-family houses could be considered moderately-priced, affordable to households earning between 80% and 100% of the area median income.

Another analysis of housing market data is presented in Table III-18 that includes more updated market data tracked by The Warren Group from Multiple Listing Service data based on actual sales. This market information demonstrates the overall escalation of market prices since 1988.

The average sales price of a single-family home as of the end of 2007 was \$337,500 up from \$318,950 as of the end of 2006. The number of single-family home sales in Dighton ranged from a low of 27 sales in 1990 to a high of 86 in 2003. After a decline in market prices in the early to mid-1990's, due largely to the economic slump, the market began to revive in the late 90's, but did not surpass the 1989 median sales price until 2000. Since then the market escalated precipitously, the median price almost doubling from \$173,000 in 2000 to \$337,500 as of the end of 2007.

Condominiums represent a small segment of Dighton's housing market, and prices have recently slipped from \$253,000 in 2006 to \$200,500 as of July 2007 and down to \$185,000 as of the end of 2007. The average price of condos ranged from a low of \$66,125 in 1992 to \$253,000 in 2006, representing a 283% increase.

**Table III-18**  
**Median Sales Prices**  
**January 1988 – December 2007**

<b>Year</b>	<b>Months</b>	<b>Single-family</b>	<b>Condo (#)</b>	<b>All Sales</b>	<b># Sales</b>
2007	Jan – Dec	\$337,500 (49)	\$185,000 (8)	\$295,000	95
2006	Jan – Dec	318,950 (80)	253,000 (3)	301,000	131
2005	Jan – Dec	312,500 (79)	0 (2)	277,500	148
2004	Jan – Dec	289,950 (74)	223,000 (3)	279,950	132
2003	Jan – Dec	273,500 (86)	0 (0)	248,900	158
2002	Jan – Dec	230,000 (83)	0(1)	200,000	140
2001	Jan – Dec	195,000 (73)	0 (1)	160,950	124
2000	Jan – Dec	173,000 (73)	0 (2)	142,900	125
1999	Jan – Dec	138,000 (69)	0 (2)	166,500	135
1998	Jan – Dec	134,500 (78)	109,500 (6)	111,450	128
1997	Jan – Dec	136,000 (51)	0 (1)	104,500	101
1996	Jan – Dec	120,000 (47)	94,900 (11)	85,000	107
1995	Jan – Dec	117,200 (52)	98,000 (11)	98,500	100
1994	Jan – Dec	104,900 (59)	91,600 (5)	90,000	103
1993	Jan – Dec	106,950 (52)	0 (0)	88,500	98
1992	Jan – Dec	112,000 (32)	66,125 (4)	98,500	74
1991	Jan – Dec	125,000 (42)	0 (0)	118,500	70
1990	Jan – Dec	135,000 (27)	0 (0)	132,900	75
1989	Jan – Dec	140,000 (31)	0 (0)	108,000	89
1988	Jan – Dec	136,500 (32)	0 (0)	126,500	85

Source: The Warren Group, July 13, 2007.

Dighton's housing values are in the middle of the price range relative to nearby or neighboring communities as indicated in Table III-19. It is also interesting to note that Dighton's median single-family home price has increased since September of 2006, from \$332,000 to \$337,500 where all other communities experienced declining values. Dighton's condo market has slowed down with decreasing values, similar to the other communities with the exception of Lakeville, Rehoboth and Swansea.

**Table III-19**  
**Median House Prices**  
**Dighton and Neighboring Communities**  
**As of September 2006/July 2007**

Community	Median Single-family House Price	Median Price of Condominiums
Berkley	\$355,000/\$322,250	\$348,900/0
Dighton	\$332,000/\$337,500	\$253,000/\$200,500
Lakeville	\$306,000/\$305,000	\$208,000/\$332,000
Norton	\$326,000/\$314,000	\$331,500/\$290,450
Raynham	\$370,000/\$320,000	\$300,000/\$210,000
Rehoboth	\$364,350/\$345,000	\$393,058/\$416,378
Somerset*	\$275,000/\$265,000	\$294,500/0
Swansea*	\$270,000/\$250,504	\$144,000/\$192,500
Taunton	\$290,000/\$260,000	\$224,000/\$200,000

Source: The Warren Group, November 15, 2006 and September 5, 2007.

\*2006 figures for Somerset and Swansea are as of the end of 2006.

All of Dighton's neighbors had median house prices below \$400,000, the highest as of July 2007 at \$345,000 in Rehoboth for single-family homes. The July 2007 median prices of condominiums ranged considerably from \$192,500 in Swansea to \$416,378 in Rehoboth.

Local realtors indicate that the market has been very slow and properties are lingering on the market for longer periods of time, particularly homes that are priced more in line with last year's prices and therefore not realistically valued. Those houses priced at less than \$325,000 are moving quickly but the higher end of the market is sluggish. Construction activity on new subdivisions has also slowed considerably, and prices are dropping at these new developments considerably, from \$329,900 to \$299,900 at Dighton Woods for example. There has also been some recent foreclosure activity.

An example of recent activity in the single-family home market is summarized in Table III-20.

**Table III-20**  
**Real Estate Listings of Single-Family Homes**

Price Range	# Listings	% Listings
Under \$200,000	1	3.2
\$200,000 to \$249,999	1	3.2
\$250,000 to \$299,000	4	12.9
\$300,000 to \$349,000	10	32.3
\$350,000 to \$399,999	4	12.9
\$400,000 to \$449,999	6	19.4
\$450,000 to \$499,999	2	6.4
\$500,000 to \$549,999	3	9.7
Total	31	100.0

Source: Multiple Listing Service, John Treacy, ReMax Landmark Realtors, September 11, 2007.

Of the 31 single-family homes that were for sale, more than 35% are in the high-end range of the market including some units in the Hunters Hill development and very large Colonials that could be referred to as “MacMansions”. On the lower range, the only unit priced below \$200,000 was a property that was described as “a cottage tear down” for \$120,000. Properties in the lower \$200,000 price level were typically identified as needing “TLC”. The higher reaches of the \$200,000 range included very small Capes. Above that were typically raised ranches and older, smaller Colonials without much property.

Table III-21 provides a summary of single-family homes that are under agreement.

**Table III-21**  
**Single-family Homes Under Agreement**

<b>Sales Price</b>	<b>Original List Price</b>	<b>Housing Type</b>	<b># Bedrooms/ # Baths</b>	<b>Size of Home/ Size of Lot</b>	<b>Days on Market</b>
\$289,900	\$342,900	Split Entry Cape	3/1	1,024 sq. ft. /1.28 acres	432
\$320,000	Short Sale	Cape	3/1½	1,864 sq. ft./ .96 acres	53
\$399,900	\$499,900	Colonial (Richmond Hill Estates)	3/2½	2,016 sq. ft./ 1.33 acres	650
\$499,900	\$499,900	Raised Ranch	4/2	1,296/ 14.8 acres	69

Source: Multiple Listing Service, John Treacy, ReMax Landmark Realtors, September 11, 2007.

These likely sales demonstrate how long it is taking to sell fairly standard single-family homes and the price reductions that have occurred. Also, one of the sales involves a “short sale” where the bank has agreed to a sale that is below the outstanding mortgage amount. While one property is under agreement at the list price, it includes an existing home on 14.8 acres.

Recent actual sales activity for condominiums is presented in Table III-22. All of the sales are part of The Orchards development that includes a total of 44 units with 11 affordable units processed through a Chapter 40B comprehensive permit. The project includes a mix of townhouses and detached single-family homes. Recent sales activity indicates that these units are fetching either close or more than the asking prices, although some of the units were on the market for a considerable period of time.

**Table III-22**  
**Sold Condominiums**  
**January 1, 2006 Through September 11, 2007**

<b>Sales Price</b>	<b>Original List Price</b>	<b>Housing Type/Project</b>	<b># Bedrooms/ # Baths</b>	<b>Size of Unit</b>	<b>Days on Market</b>
\$216,000	\$219,900	Single-family Detached/The Orchards	3/1½	1,057 sq. ft.	55
\$235,000	\$239,900	Townhouse/The Orchards	3/2½	1,568 sq. ft.	196
\$245,000	\$246,000	Single-family Detached/The Orchards	3/1½	1,200 sq. ft.	185

\$253,000	\$239,000	Single-family Detached/The Orchards	3/1	1,500 sq. ft.	166
\$267,000	\$262,900	Single-family Detached/The Orchards	3/1½	1,056 sq. ft.	215
\$296,000	\$294,000	Single-family Detached/The Orchards	3/2	1,768 sq. ft.	70

Source: Multiple Listing Service, John Treacy, ReMax Landmark Realtors

Active listings of condominiums are listed in Table III-23. The condos are part of either The Orchards development or Dighton Woods, both Chapter 40B comprehensive permit projects. All of the condominiums are priced between \$200,000 and \$299,000, but the prices at Dighton Woods have declined since the first offering. This data confirms some sluggishness in the local housing market, although such trends are affecting most communities in New England.

Beyond those properties included in Table III-23, another property was offered for \$950,000 that included an 1,800 square foot model home/condo and more than 20 acres of land for a subdivision. This property had been on the market for 209 days.

**Table III-23**  
**Active Listings of Condominiums**  
**September 11, 2007**

<b>Current List Price</b>	<b>Original List Price</b>	<b>Housing Type/Project</b>	<b># Bedrooms/ # Baths</b>	<b>Size of Home/ Size of Lot</b>	<b>Days on Market</b>
\$299,000	\$319,900	Colonial/Dighton Woods	3/1½	1,632	53
\$299,900	\$329,900	Cape/Dighton Woods	3/2	1,587	53
\$299,900	\$324,900	Cape Contemporary/Dighton Woods	3/2	1,605	53
\$299,900	\$319,900	Colonial/Dighton Woods	3/2	1,385	53
\$289,999	\$289,999	Single-family Detached/The Orchards	3/2	1,250	56
\$259,900	\$259,900	Single-family Detached/The Orchards	3/2	1,250	56
\$229,000	\$229,000	Townhouse/The Orchards	2/2½	1,120	97
\$289,900	\$294,900	Single-family Detached/The Orchards	3/1½	1,250	104

Source: Multiple Listing Service, John Treacy, ReMax Landmark Realtors



## 2. *Rentals*

Data on the costs of rental units from 1980 through 2000 is included in Table III-24. The 2000 census indicated that there were 311 occupied rental units in Dighton and that the median gross rental was \$560, up only 11% from the 1990 median rent of \$506. However, rents increased much more between 1980 and 1990, going up 142% from 209 to \$506. Rental units comprised 18% of Dighton's housing stock, much lower than that of Bristol County at 38.4%. Bristol County had a 2000 median gross rent of \$499, also lower than Dighton's.

**Table III-24**  
**Rental Costs**  
**1980-2000**

Gross Rent	1980		1990		2000	
	#	%	#	%	#	%
<b>Under \$200</b>	120	43.2	71	23.2	24	6.9
<b>\$200-299</b>	98	35.2	25	4.9	27	7.8
<b>\$300-499</b>	42	15.1	37	12.1	63	18.2
<b>\$500-749</b>	0	0.0	102	33.3	75	21.6
<b>\$750-999</b>			24	7.8	105	30.3
<b>\$1,000-1,499</b>			18	5.9	6	1.7
<b>\$1,500 +</b>					0	0.0
<b>No Cash Rent</b>	18	6.5	29	9.5	47	13.5
<b>Total*</b>	278	100.0	306	100.0	347	100.0
<b>Median Rent</b>	\$209		\$506		\$560	

Source: U.S. Census Bureau, Census 1980, 1990 and 2000 Summary File 3

\* Number of rental units with data on gross rents/total number of rental units; percentage breakdowns exclude units counted without cash rent/all units counted

\*\* Figures in 1990 census data are listed as \$1,000 or more and do not break numbers into the \$1,500 or more range.

Like housing values for homeownership units, rental values tend to be underestimated in the census data and actual market rents are typically higher as verified by local realtors. Local realtors indicate that an average two-bedroom apartment is renting for about \$1,000, with more updated units fetching about \$1,300. Smaller units are renting in the range of \$600 to \$800. Additionally, realtors indicated that Dighton had few house rentals.

### **D. Cost Analysis of Existing Market Conditions**

As housing prices rise steadily more than household income, the affordability gap widens, defined as the gap between the cost of housing and the proportion of income that is reasonable to pay for housing, 30% of gross income based on HUD standards. To afford the median sales price of a single-family home in Dighton of \$337,500 (based on The Warren Group information as of the end of 2007), a household would have to earn approximately \$100,000<sup>12</sup>, significantly more than the 2000 median income of \$58,600 and the adjusted median of \$70,947.<sup>13</sup>

<sup>12</sup> Figures based on 95% financing, interest of 7.0%, 30-year term, annual property tax rate of \$9.35 per thousand, insurance costs of \$1.25 per \$1,000 of combined valuation of dwelling value (value x 0.5), personal property (\$100,000 fixed), and personal liability (\$100,000 fixed), and private mortgage insurance estimated at 0.3125 percent of loan amount, and \$150 condo fee.

<sup>13</sup> Adjusted income level derived by calculating the increase in HUD median income for the area from 2000 to 2007 and applying this percentage change (21.07%) to the 2000 median income for Dighton per the 2000 census.

The borrowing power of the average household, based on the adjusted median household income of \$70,947, is about \$237,000 under conventional lending terms,<sup>14</sup> much higher than the median house value as reported in the 2000 census of \$145,800 but significantly lower than current market values of more than \$330,000. The affordability gap is then about \$100,500 - the difference between the price of the median priced home and what a median income household can afford.

In regards to condos, the affordability gap is about -\$31,500, the difference between what the adjusted median income household (\$70,947) can afford, and the median priced condominium (\$185,000 as of the end of 2007). Because condos involve monthly fees that become part of the calculations for qualifying for a mortgage, the adjusted median income household earning \$70,947 could afford a condo of about \$216,500, based again on conventional lending terms. Consequently, the median priced condos are within the affordability range of median income households based on this analysis.

In regard to rentals, the gross median rent of \$560, according to the 2000 census, required an income of about \$22,400 if utilities were included, which is within the means of low- and moderate-income households. Nevertheless, approximately 276 or about 13% of Dighton's households would still have been unable to afford to rent at this level based on 2000 census data.<sup>15</sup> Local listings indicate that current market rental listings are considerably higher, and an average two-bedroom unit is about \$1,000 that would require an income of approximately \$40,000 based on standard affordability terms and including utilities.

It is also useful to identify numbers of residents who were living beyond their means due to their housing costs. The 2000 census provides data on how much households spent on housing whether for ownership or rental. Such information is helpful in assessing how many households are overspending on housing or encountering housing affordability problems, defined as spending more than 30% of their income on housing. Based on 1999 data, the census indicated that 81 or 5.0% of the homeowners in Dighton were spending between 30% and 34% of their income on housing and another 110 or 6.8% were spending more than 35% of their income on housing expenses. In regard to renters, 36 renter households or 10.4% were spending between 30% and 34% of their income on housing and another 57 or 16.4% were allocating 35% or more for housing. This data suggests that 284 households or 13% of all Dighton households were living in housing that was by common definition beyond their means and unaffordable. Since 2000, income levels have increased about 16% but house prices have doubled, indicating that there are likely to be more residents faced with burdensome housing costs.

#### **E. Subsidized Housing Inventory**

There are 143 affordable housing units in Dighton's state-approved Subsidized Housing Inventory, 6.32% of the town's total year-round housing stock of 2,261 units. Therefore, the town needs to produce at least 83 more affordable units to reach the state's 10% goal based on the existing housing stock.

Build-out projections, prepared by the state's Executive Office of Environmental Affairs in 2000, estimated that Dighton could support more than an additional 8,000 units of housing based on current zoning, which would require that at least another 800 units be affordable to comply with the Chapter 40B goal. While these projections appear extreme, they suggest that the 10% goal is a moving target and will increase over time.

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<sup>14</sup> Assumes owners pay no more than 30% of their income on housing and that they obtain conventional mortgages.

<sup>15</sup> Also assumes that not more than 30% of household income should be spent on housing.

**I. Current Inventory**

Table III-25 summarizes the affordable housing that is included in Dighton's Subsidized Housing Inventory.

**Table III-25  
Dighton's Subsidized Housing Inventory**

Name of Development	Type of Housing	# Units	Subsidizing Agency
Lincoln Village	Rental	64	DHCD
Somerset Avenue	Rental	8	DHCD
DMR Group Homes	Rental	12	DMR
The Orchards	Ownership	11	DHCD
Dighton Woods	Ownership	15	MassHousing (40B)
Stonegate Landing	Ownership	20	FHLBB (40B)
The Pines	Ownership	13	MassHousing (40B)
Total		143	

Source: Massachusetts Department of Housing and Community Development, December 12, 2006, and updated by the Town of Dighton.

The town therefore has 84 affordable rental units and 59 homeownership units. The Dighton Housing Authority owns and manages the 64 units at Lincoln Village for the elderly, including nine of these units for those who are less than 60 years of age and handicapped (see photo below). They also own and manage eight units for the disabled. The waiting period is typically about six months to two years depending on whether the applicant is a Dighton resident or not as residents and veterans have preference on the wait list. As of January 2007, the Housing Authority had one emergency referral for a unit who ultimately did not qualify for a unit, processed three priority transfers from other units in the development, and was able to offer units to two local residents who were on the wait list. There are currently 23 on the wait list. Waits for the under 60 disabled units are about five years.



The Subsidized Housing Inventory currently includes 79 units that were developed by private developers, either non-profit or for profit. Twelve of these units are in group homes for the developmentally disabled. Another 48 units were developed through the Chapter 40B comprehensive permit process, all involving homeownership including:

- *Dighton Woods*  
This homeownership development off of Buck Plain Road is sponsored by South Shore Housing Development Corporation, Southeastern Massachusetts' regional non-profit housing organization in partnership with private developers. The project was approved by the ZBA in June 2004, and includes 52 new single-family homes, 15 of which are affordable. The project is under construction, proceeding in three phases. The developer also provided funding to support the development of this Housing Needs Assessment and Housing Plan.
- *The Pines*  
The Pines is another homeownership project, developed by the Miranda Brothers, which includes 45 new homes for those 55 years of age or older, 13 that will be affordable. The ZBA approved the comprehensive permit in February 2006.
- *Stonegate Landing*  
Stonegate Landing involves a homeownership development for those over the age of 55 at Center Street and Somerset Avenue with 80 two-bedroom units including 20 that will be affordable. The ZBA approved the comprehensive permit in March 2004, and the developer, Jeff Tardaniko, is in the early stages of construction but has not been able to sell any of the units.

## 2. *Proposed Projects*

The Dighton Zoning Board of Appeals has approved another project through the comprehensive permit process, Arborcrest, and another 40B project, Pudding Stone Circle, is in the early stages.

- *Arborcrest*  
This project, located off of Tremont Street, was approved by the ZBA in June 2003, for the development of 90 new single-family homes, including 23 affordable units. It is currently under litigation by a neighbor.
- *Puddingstone Circle*  
Another 40B comprehensive project has recently been proposed off of Hart Street with a total of 36 condominiums in single-family units on small lots, incorporating eight (8) affordable units.

## F. Gaps Between Existing Housing Needs and Current Supply

As the affordability analysis indicates in Section III.D above, significant gaps remain between what most current residents can afford and the cost of housing that is available. In fact the current single-family home market is becoming increasingly limited to those earning well beyond median income, while low- and moderate-income households are virtually shutout. Condominiums are more affordable and accessible to those earning about at the median income level.

Based on this Housing Needs Assessment, there are a number of key indicators that suggest there are significant local needs for affordable housing that go beyond what is required to meet the 10% state goal. These priority needs and goals to make progress towards them are as follows:

1. *Households with Limited Incomes* – Despite increasing household wealth, there still remains a population living in Dighton with very limited financial means.
  - The 2000 census indicated that 56 or 2.6% of all households had incomes of less than \$10,000 and another 266 or 12.1% had incomes between \$10,000 and \$24,999, representing very low-income levels.
  - Another 250 households had incomes within the \$25,000 and \$34,999 range and still another 264 earned between \$35,000 and \$49,999.

- One-third of Dighton's households would likely have qualified for housing assistance in 2000 as their incomes were at or below 80% of area median income, defined by the U.S. Department of Housing and Urban Development (HUD) as \$50,200 for a family of four.<sup>16</sup>
- The 2000 census indicated that 221 individuals or 3.9% of all residents earned below the poverty level.
- There is substantial demand for subsidized housing as waits of six months to two years are the norm for the Housing Authority's Lincoln Village development depending on whether one is a Dighton resident who receives preference or not. There are currently 23 applicants on the wait list.

**Needs:** More subsidized rental housing is needed to meet the housing needs of the Town's lowest income residents.

**Goal:** At least half of all new affordable units created should be rentals.

## 2. *Disabilities and Special Needs Including Homelessness*

- Of the 2000 population age 5 to 20 years old, 97 or 6.5% had some disability. Of those aged 21 to 64, 360 or 10.2% claimed a disability. About 170 of this group were unemployed, likely due to the disability. In regard to the population 65 years of age or older, 481 or 63% of those in the age group claimed some type of disability. These levels of disability represent significant special needs within the Dighton community.
- The number of those 65 or older has increased considerably from 10.9% of the population in 1980 to 12.8% in 2000, a gain of 207 residents. This trend is likely to continue and as this cohort ages more housing options will be needed to enable them to remain in town including service-enriched housing.
- There were 40 elderly homeowners who were spending more than half their income on housing in 2000.
- Wait times for those who are disabled and want to live in Lincoln Village are typically five years.
- DHCD has obtained data on homeless individuals throughout the state through data collected by the 21 Continuums of Care. A census count of the homeless taken on January 30, 2007 indicated that for the Greater Attleboro and Taunton area there were 94 unsheltered adults.
- The Greater Attleboro and Taunton Continuum of Care has identified the following unmet need for the area: 80 beds in emergency shelters, an additional 80 beds in transitional facilities as well as 256 permanent units with supportive services.

**Needs:** Some amount of new housing should be built adaptable or accessible to the disabled, including seniors; more service-enriched housing is required for the homeless or potentially homeless; and more affordable housing should be provided for seniors, many of whom are paying too much of their fixed incomes on housing costs.

**Goal:** 10% of all new affordable units created should be made handicapped accessible and some should include on-site support services.

## 3. *Gaps in Affordability and Access to Affordable Housing*

- The 2000 census data suggested that 284 households or 13% of all Dighton households were living in housing that was by common definition beyond their means and unaffordable. Since 2000, income levels have increased about 16% but median house prices have doubled, indicating that there are likely to be more residents faced with overly burdensome housing costs.

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<sup>16</sup> While these households' incomes might be at or below 80% of area median income, many households are likely to have assets that are more than the allowable state or federal standards that would disqualify them from housing assistance.

- Recent real estate listings indicate that there was only one home available in Dighton for under \$200,000 that would be affordable to low- and moderate-income households and it was described as “a cottage teardown”.
- The affordability gap is about \$107,500 - the difference between the price of the median priced home (\$337,500) and what a median income household can afford (\$230,000).
- In regard to rentals, the gross median rent of \$560, according to the 2000 census, required an income of about \$22,400 if utilities were included, which is within the means of low- and moderate-income households. Nevertheless, approximately 276 or about 13% of Dighton’s households would still have been unable to afford to rent at this level based on 2000 census data.<sup>17</sup>
- Current rents for an average two-bedroom unit is about \$1,000 that would require an income of approximately \$40,000 based on standard affordability terms and including utilities.
- Pro-Home, Inc., a local non-profit organization that provides foreclosure prevention counseling indicated that the number of foreclosures has increased over the past couple of years from one to two per month to two to three per week. This increase is largely due to the number of high cost subprime mortgages that were issued to residents who can no longer afford the excessive increases in costs.

**Needs:** A wider range of affordable housing options is needed including first-time homeownership opportunities for younger households entering the job market and beginning their own families as well as for empty nesters.

**Goal:** At least half of all new affordable units created should be directed to homeownership, either small starter homes or affordable condominiums.

#### 4. *Housing Conditions*

- Almost 60% of Dighton’s housing stock, 1,294 units, was built prior to 1970, and more than one-quarter was built prior to World War II. An aging housing stock can indicate units in need of updating, not in compliance with building and sanitary codes, and containing lead paint.
- Many areas in town rely on septic systems some of which are likely to require repair.

**Needs:** Continued program assistance is required to support necessary home improvements, including deleading, in properties occupied by low- and moderate-income households, particularly the elderly living on fixed incomes and including investor-owned properties tenanted by qualifying households.

**Goal:** Increase the numbers of those obtaining assistance in improving their properties.

There is therefore a sizable population of those who are starting their own families, are seniors, have special needs and/or have very low incomes who have significantly reduced capacity in Town to secure decent, safe and affordable housing in Dighton. A broader range of housing options is required to meet these varied needs.

## IV. OBSTACLES TO DEVELOPMENT

The Town of Dighton has made progress towards meeting the state’s 10% affordable housing standard with a current inventory of 143 affordable units or 6.32% of its year-round housing. However, it will be a significant challenge for the Town to meet production goals of 11 units per year as well as the wide range of local housing needs, particularly in light of current constraints to new development including the following:

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<sup>17</sup> Also assumes that not more than 30% of household income should be spent on housing.

**A. Infrastructure**  
***Challenges***

Dighton has limited municipal sewer service located in and to the north of Town Center. In other areas of town, properties must rely on septic systems if special treatment facilities are not integrated into new development. Most areas of town have municipal water service, the remaining areas relying on the use of private wells. In those areas of town without sewer service in particular, new housing production must carefully comply with Title V standards and be sensitive to water quality issues, which while essential, contribute to higher development costs.

Buildout projections prepared by the state's Executive Office of Environmental Affairs in February 2000, suggest substantial additional growth in Dighton including more than 23,000 new residents and over 8,000 new residential units. Infrastructure requirements to support this added growth include 1.7 million gallons of water per day and 11,876 tons of municipal solid waste per year, of which a projected 8,445 tons is likely to be recyclable. Also, the state's build-out projections anticipate that another 160 miles of roadway will be needed. While these forecasts seem extreme, Dighton will need to better use smart growth measures to guide development to appropriate locations and select appropriate strategies to relieve the impact of growth yet still grow incrementally, a formidable challenge.

***Mitigation Measures***

The Town's Board of Selectmen met with the Dighton Sewer Commission to discuss proceeding with a Sewer Master Plan to be conducted in phases over the next several years. This work will fully examine the costs and benefits of extending sewer services, ultimately providing a Plan for the Town to implement that will accommodate and better direct future growth.

It will be important for any new affordable housing development to address these infrastructure constraints, septic issues in particular, and insure that there are sufficient amounts of subsidies incorporated into the project to adequately service new residents and protect the environment. Moreover, zoning strategies that are included in this Plan provide an agenda for better directing development to appropriate locations where higher density development makes sense and where existing infrastructure is more prevalent. The Plan also addresses the need for more flexible cluster zoning to preserve open space in tandem with residential development. Moreover, recommended Affordable Housing Guidelines would outline preferred criteria for new development including those related to infrastructure.

**B. Zoning**  
***Challenges***

As is the case in most American communities, a zoning bylaw or ordinance is enacted to control the use of land including the patterns of housing development. Like most localities in the Commonwealth, Dighton's Zoning Bylaws embrace large-lot zoning of at least 35,000 square feet. Additional requirements include minimum lot frontages of 175 feet and setbacks of 55 feet and 15 feet, in the front and rear/side yards, respectively. Lots without water and sewer must have a minimum area of 43,560 square feet and 250 feet of frontage. These regulations, while intended to maintain the town's small town rural character and water quality standards, also promote very low housing density that severely constrains the construction of affordable housing.

There are, however, several zoning provisions included in the existing Zoning Bylaws that are meant to potentially promote smart growth and/or more affordable units including:

- *Accessory Apartments*  
Accessory apartments are allowed under special permit "for the purpose of enabling owners of single-family dwellings larger than required for their present needs, particularly elderly

homeowners, to share space and the burdens of homeownership”.<sup>18</sup> Requirements for these units include:

- Owner-occupancy of one of the units.
  - A plot plan or mortgage inspection survey as part of the special permit application.
  - The accessory unit cannot exceed 750 square feet.
  - The accessory unit must be located within the existing residential structure.
  - The exterior appearance of the existing structure cannot be significantly altered from that of a single-family home with only an allowable 15% in gross floor space of the existing structure and with all access and egress alterations enclosed.
  - Access should be enclosed within the structure.
  - At least one additional off-street parking space is required.
  - The special permit lapses every two years but can be renewed.
- *Subdivision Phasing*  
This section of the Zoning Bylaw is “to assure that growth shall be phased so as not to unduly strain the Town’s ability to provide public facilities and services, so that it will not disturb the social fabric of the community, so that it will be in keeping with the community’s desired rate of growth, and so that the Town can study the impact of growth and plan accordingly.”<sup>19</sup> The subdivision of eight or more building lots cannot be developed at a rate of more than eight units per year or 10% of the total number of lots approved under a subdivision plan, whichever is greater. The Planning Board can approve an exception to this requirement by special permit if it determines that the probable benefits of the development outweigh the expected adverse impacts. The bylaw indicates that the Planning Board should give particular consideration to developments that reduce the allowable densities by 50% or more and provide substantial open space.
  - *Conservation Subdivision*  
The Bylaws offer an alternative subdivision design “to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use; to preserve historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Dighton’s traditional New England landscape; to allow landowners a reasonable return on their investment; to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and to promote the development of housing affordable to low- and moderate-income families.”<sup>20</sup> This bylaw is available under special permit of the Planning Board to any development of five or more lots in a residential district. The number of units allowed is no more than what could be approved under a conventional subdivision plan. A minimum of 20% of the parcel should be contiguous open space and no more than 25% of this space should be wetlands. This open space should be conveyed to the Town’s Conservation Commission, a non-profit organization involved in land conservation, or a corporation or trust owned by the owners of the lots within the subdivision. Additionally, all buildings must be located a minimum of 50 feet from adjacent properties.

While the bylaw states the promotion of affordable housing in its purpose, there are no density bonuses or other incentives included that would make such development feasible.

Other residential uses that are allowed in the bylaw include:

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<sup>18</sup> Town of Dighton Zoning Bylaws, Section 2510.

<sup>19</sup> Town of Dighton Zoning Bylaws, Section 2810.

<sup>20</sup> Town of Dighton Zoning Bylaws, Section 4310.



**Table III-26  
Allowed Residential Uses in Dighton's Zoning Bylaw**

Use	Residential	Business
Single-family Dwellings	Yes	Yes
Two-family Dwellings	Under Special Permit	Under Special Permit
Conversion of Single-family to Two-family Dwellings	Under Special Permit	Under Special Permit
Multi-family Dwellings	No	No
Lodging or Boarding Houses	No	Under Special Permit
Assisted Living Facilities	Under Special Permit	Under Special Permit

Source: Town of Dighton Zoning Bylaw, Appendix A

#### ***Mitigation Measures***

This Housing Production Plan includes a number of strategies that are directed to reforming local zoning regulations, making them “friendlier” to the production of affordable housing and smart growth development. These include adding inclusionary zoning, modifying accessory apartment provisions, promoting mixed-use development, encouraging more flexible clustered zoning, allowing affordable starter housing on noncomplying lots, and exempting affordable housing from its phased growth bylaw (see Section VII.B).

#### **C. Local Capacity**

##### ***Challenges***

Dighton is a small town of only about 7,000 residents, and has had limited experience in affordable housing development. The Dighton Housing Authority has been the major subsidized housing provider in town. It owns and manages 64 units for seniors including nine of these units for those who are disabled and less than 60 years of age. They also own and manage eight (8) units for the disabled at another location. Beside a dozen of special needs units in group homes, other affordable housing developments have involved fairly recent comprehensive permit projects. Also, like many other small towns in Massachusetts, Dighton does not have a Town Planner, and just recently appointed a temporary committee, the Affordable Housing Committee, to oversee the preparation of this Housing Plan.

##### ***Mitigation Measures***

It will be important for the Town to continue to establish important partnerships with developers, for profit and non-profit, and build its capacity to promote new affordable units by reaching out for necessary technical and financial resources in addition to securing the necessary political support for new housing initiatives and the implementation of the Housing Production Plan. This Housing Plan suggests that the Town establish a Municipal Affordable Housing Trust to oversee the implementation of this Plan and insure that it has adequate professional support to staff the Housing Trust. The Town will also continue to actively engage the Dighton Housing Authority, local and regional non-profit organizations and private developers in its housing initiatives to secure important support in the production of affordable housing.

#### **D. School Enrollment**

##### ***Challenges***

Census data demonstrated decreasing numbers of school-age children. From 1980 to 2000, the portion of those 19 years of age and younger decreased from 33.5% to 28.5% and the actual numbers of children in this age range decreased by 213 from 1980 to 1990 and then increased by 179 residents by 2000, still below the 1980 level. This dip has implications for school enrollments if such downward trends continue.

The Dighton-Rehoboth Regional School District experienced recent declines in school enrollments. School enrollment projections prepared by the New England School Development Council as of the end

of 2006, indicated “a downward shift in all of the cohort survival ratios from grade 1 to grade 8,” whereas “in previous years the district was experiencing in-migration at all 1-8 grade level transitions”. For example, “in 2005 the district averaged 104% in-migration per grade in grades 2 through 10,” but in 2006 “the average was 99% per grade level – a drop of 5%. It is unclear at this time whether this drop reflects a growing trend or a one-time event.

Historic enrollment data is included in Table III-27.

**Table III-27**  
**Historic School Enrollments for the Dighton-Rehoboth Regional School District**  
**1996-97 Through 2006-07**

Year	Total Enrollment	Difference	% Difference
1996-97	2,933	--	--
1997-98	3,012	79	2.7%
1998-99	3,075	64	2.1%
1999-00	3,067	-9	-0.3%
2000-01	3,137	70	2.3%
2001-02	3,258	121	3.9%
2002-03	3,283	25	0.6%
2003-04	3,387	104	3.2%
2004-05	3,391	4	0.1%
2005-06	3,432	41	1.2%
2006-07	3,390	-42	-1.2%

Source: New England School Development Council, December 1, 2006.

Projections of school enrollments through to the 2011-2012 school year from the New England School Development Council are presented in Table III-28.

**Table III-28**  
**Projected School Enrollments for the Dighton-Rehoboth Regional School District**  
**2006-07 Through 2011-12**

Year	Total Enrollment	Difference	% Difference
2006-07	3,309	--	--
2007-08	3,378	-12	-0.4%
2008-09	3,366	-12	-0.4%
2009-10	3,363	-3	-0.1%
2010-11	3,348	-15	-0.4%
2011-12	3,356	8	0.2%

These projections indicate only a very slight downward trend.

A small number of Dighton residents also attend the Bristol County Agricultural High School, located in Dighton, ranging from a low of 11 students during this school year of 2007 to 2008, to a high of 23 students during the 2004 to 2005 school year.

State build-out projections by the Executive Office of Environmental Affairs (now called the Executive Office of Environment and Energy Affairs) indicated that the school age population should increase by almost another 4,500 children, however there are no reliable projections as to when buildout is likely to occur and these projections, calculated in 2000, were based on existing zoning. Clearly this added population would place a huge future burden on the school system.

### ***Mitigation Measures***

This Housing Production Plan recognizes the need for a wider range of affordable housing options in Dighton, including first-time homebuyer opportunities for young families. However, the Plan also suggests exploring options for covering some of the added municipal costs associated with new students, including 40R and 40S (see Section VII.B.5 for more information).

## **E. Transportation**

### ***Challenges***

At present public transportation is limited, but two new commuter rail stations are planned in neighboring Taunton. Also, public transportation has been provided through GATRA (Greater Attleboro and Taunton Regional Transit Authority), a state-subsidized system formed in 1976. GATRA offers services to the elderly and disabled and provides a “demand response” lift-equipped van service to Dighton and neighboring communities. Several other companies also offer bus service throughout the region to Boston, New Bedford and Fall River. Nevertheless, the 2000 census indicated that only 1.2% of residents commuted to work by public transportation and more than 96% of residents drove to work alone or with a carpool, 88.1% and 8.3% respectively. This reliance on the automobile is particularly burdensome on lower income households given the expense involved in owning and operating one.

### ***Mitigation Measures***

The Town will have to pay particular attention to the projected traffic implications of any new development, working with the developer to resolve potential problems. One of the strategies included in this Housing Plan is to explore higher density, mixed-use development in appropriate locations that has the potential for reducing the reliance on the automobile somewhat (see Section VII.B.5 for details). Opportunities to direct development to areas that are most conducive to higher densities, such as Routes 138 and 44, may serve to reduce transportation problems somewhat as development is likely to be along bus routes. It is also anticipated that the additional of two commuter rail stations in neighboring Taunton will improve traffic conditions as well.

## **F. Environmental Concerns**

### ***Challenges***

Most residents are aware of the Town’s natural treasures and are rightly concerned about conserving them. Such environmentally sensitive areas include the Taunton River, Segregansett River, Three Mile River, as well as large areas of wetlands and vernal pools. The Town is also concerned about preserving its upland open space. The Town’s Conservation Commission continues to identify additional resource areas as protected vernal pool sites under the Natural Heritage and Endangered Species Program. The goal of identifying and certifying these sites will assure that proximate development will have a minimal impact on important plant and wildlife habitats and breeding areas. The impacts of any new development must be identified as to how they affect the environment and what actions might be required to mitigate problems. While regulations to protect the environment (e.g., wetlands, aquifers, vernal pools, septic systems) are important and essential, they present challenges to development by reducing the amount of buildable land and increasing the time and costs of developing new housing.

### ***Mitigation Measures***

Housing production strategies are largely oriented to actions that will promote smart growth and limit impacts on the environment such as promoting more flexible cluster development, accessory apartments, converting existing housing to long-term affordability, developing infill sites in existing neighborhoods, as well as encouraging adaptive reuse and mixed-use development (see Section VII.C for details on these strategies).

## **G. Availability of Subsidy Funds**

### ***Challenges***

Federal and state financial resources to subsidize affordable housing preservation and production as well as rental assistance have suffered budget cuts over the years making funding more limited and extremely competitive. Communities throughout the Commonwealth are finding it increasingly difficult to secure necessary funding and must be creative in determining how to finance projects and tenacious in securing these resources. Moreover, Dighton has not passed the Community Preservation Act that has provided significant support for local housing initiatives in many communities.

### ***Mitigation Measures***

This Housing Plan recommends that the Town tap available housing subsidies from the Greater Attleboro-Taunton HOME Consortium as well as other state subsidies, including discretionary sources that require Commonwealth Capital scoring. Moreover, this Plan recommends that the Town explore the adoption of the Community Preservation Act that will enable the Town to support the production of new affordable units and leverage other public and private funding sources, hopefully at a level well above the minimum 10% contribution. In an effort to better manage and coordinate funding for affordable housing purposes, this Plan recommends that the Town establish a Municipal Affordable Housing Trust and secure essential professional support (see strategies VII.A.2 and 3 for details).

## **H. Community Perceptions**

### ***Challenges***

Affordable housing, subsidized housing, low-income housing, projects, Section 8, etc. – these terms can conjure images of potential neglect, plunging property values, increased crime, and even tensions concerning class and race. However, problems related to impending decreases in property values and increasing social distress related to affordable housing have been more the exception rather than the rule. Nevertheless, opposition to affordable housing development, particularly from abutters, is almost a foregone conclusion.

Given high real estate prices, community perceptions have begun to tilt towards the realization that affordable housing is needed in the community. More people are recognizing that the new kindergarten teacher, their grown children, or the elderly neighbor may not be able to afford to live or remain in the community. It is this growing awareness, as well as impending 40B developments, which is spurring communities such as Dighton to take a more proactive stance and greater interest in supporting affordable housing initiatives. Also, once residents understand that the Town will be able to reserve at least 70% of the affordable units in any new development for those who have a connection to Dighton, referred to as “community preference”, greater local support is typically forthcoming.

### ***Mitigation Measures***

Dighton proposes launching an ongoing educational campaign to better inform local leaders and residents on the issue of affordable housing, to help dispel negative stereotypes, provide up-to-date information on new opportunities and to garner political support (see strategy VII.A.1). It will be important to continue to be sensitive to community concerns and provide opportunities for residents to not only obtain accurate information on housing issues, whether they relate to zoning or new development, but have opportunities for real input.

## V. PROPERTY INVENTORY

The following information represents a work in progress that will be fine-tuned on an ongoing basis in coordination with other Town boards and committees.

### A. Public Properties

Table V-1 lists some properties that are owned by the Town or the Dighton Housing Authority that may be suitable for some amount of infill or clustered affordable housing development. These are preliminary options. Dighton's Land Use Committee has recently issued a report on Town-owned property that deserves further analysis (see strategy VII.A.5), however some are included in Table V-1.

**Table V-1**  
**Publicly-owned Properties with Potential for Affordable Housing Development**

Parcels	Map #/ Parcel #	Total Parcel Acres*	Estimated # Housing Units/Aff. Units*	Comments
Expansion of Lincoln Village	4/40	6.7	26/26	Housing Authority owns; access to Town sewer
Tremont Street (3 separate lots)	3/5,6,7	21.5	86/43	Wet up-front; need access plan; access to Town sewer; may need to do in phases
N. Dighton Field	4/89	2.1	8/8	Town relocating existing athletic field; site has Town water and sewer services
Brook/Pine	12/37	27.2	108/54	Located off a paper street behind an existing 40B development
Hortons Road?	12/13A, 27,28,29	27.8	110/55	In close proximity to Brook/Pine site
May/William St.	19/34	15	60/30	No sewer; Town water stops at corner
Old North Dighton Post Office	?	?	4/4	May have septic system issues

\* Estimates based on half of the parcels conducive to development and eight units/acre with at least 50% of the units being affordable.

In addition to currently owned Town parcels, the Town of Dighton may decide to acquire privately owned sites in the future for the purposes of protecting open space and developing some amount of housing, including affordable housing, through cluster development on a portion of the sites. Smaller sites may be available as well to build affordable new starter homes on an infill basis. Some limited opportunities may also be available through the taking of tax-foreclosed properties for affordable housing.

### B. Private Properties

It is also likely that developers will continue to pursue comprehensive permit applications or the standard regulatory process for affordable housing development, and it will be incumbent on the Town to determine the best approach for guiding new development to more appropriately satisfy local needs and requirements. One of the strategies recommended in this Housing Production Plan is to prepare Housing Guidelines (see strategy VII.B.2) that establish general local criteria for new housing development, and another is to reach out to developers to promote development opportunities in line with local priorities (see strategy VII.C.2). For example, there is a small abandoned house on Main Street with some limited

adjoining property that is an eyesore and which the Town would like to redevelop to include some affordable housing. One potential opportunity might be working with Pro-Home, Inc., using the Attorney General's Abandoned Property Program to redevelop this property.

Just recently, a private developer has come forward suggesting that he work with the Town on the development of a sizable parcel he owns through a "friendly" 40B project in line with the goals of this Housing Production Plan. This property involves about 120 acres of land on Route 138 where Town water and sewer services are provided. He has tentatively named the development Somerset Woods. The owner believes that the site could accommodate both single-family and duplex homeownership units as well as some rental housing.

Additionally, there has been some discussion about a possible 40R development at the old Raytheon factory property. While the building is in good shape, there are environmental issues including brownfields and the proximity of wetlands and river and flood constraints. Another possible adaptive reuse development might be the conversion of the old North Dighton Post Office.

The Town should become alert to opportunities for acquiring property that would be suitable for some amount of affordable housing. Possible tax foreclosures may provide options for the Town to develop scatter-site affordable housing. Ideally such properties would meet a number of smart growth principals depending on size such as:

- The redevelopment of existing structures, including vacant and abandoned houses;
- Infill development in existing neighborhoods;
- Development of housing in underutilized locations with existing infrastructure;
- Large enough to accommodate clustered housing;
- Good carrying capacity for water and septic systems or can accommodate special treatment facilities;
- Buffer between adjacent properties; and
- Located along a major road.

## VI. HOUSING PRODUCTION GOALS

The Massachusetts Department of Housing and Community Development (DHCD) has been administering the Planned Production Program since December 2002, in accordance with regulations that have enabled cities and towns to prepare and adopt an Housing Production Plan that demonstrated the production of an increase of .75% over one year or 1.5% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory.<sup>21</sup> If DHCD certified that the locality had complied with its annual goals or that it had met two-year goals, the Town could, through its Zoning Board of Appeals, deny comprehensive permit applications without opportunity for appeal by developers for one or two-years, respectively.

Recently adopted changes to Chapter 40B have established some new rules.<sup>22</sup> For example, Planned Production Plans are now referred to as Housing Production Plans. Moreover, annual goals changed from 0.75% of the community's year-round housing stock, translating into 17 units per year or 34 units over two years for Dighton, to 0.50% of its year-round units, meaning that Dighton will have to now produce at least 11 affordable units annually to meet production goals through 2010. When the 2010 census figures become available in 2011, this number will be somewhat higher.

Using the strategies summarized under Section VII, the Town of Dighton has developed a Housing Production Program to chart affordable housing activity over the next five (5) years. The Town will be able to update the Plan after or even before these five years elapses. The projected goals are best guesses at this time, and there is likely to be a great deal of fluidity in these estimates from year to year. The goals are based largely on the following criteria:

- To the greatest extent possible, at least fifty percent (50%) of the units that are developed on publicly-owned parcels should be affordable to households earning at or below 80% of area median income – the **affordable units** – and at least another 10% affordable to those earning up to 120% of area median income – **moderate-income “workforce” units** – depending on project feasibility. The rental projects will also target some households earning at or below 60% of area median income and lower depending upon subsidy program requirements.
- Projections are based on four (4) units per acre assuming that half of the available site is developed at eight (8) units per acre. However, given specific site conditions and financial feasibility it may be appropriate to decrease or increase density as long as projects are in compliance with state Title V and wetlands regulations.
- Because housing strategies include some development on privately owned parcels, production will involve projects sponsored by private developers through the standard regulatory process or possibly the “friendly” comprehensive permit process. The Town will continue to work with these private developers to fine-tune proposals to maximize their responsiveness to community interests and to increase affordability to 30% of total project units to the greatest extent feasible.
- The projections involve a mix of rental and ownership opportunities. The Town will work with developers to promote a diversity of housing types directed to different populations with housing needs including families, seniors and other individuals with special needs to offer a wider range of housing options for residents per the identified priority housing needs in the Housing Needs Assessment (see Section III).

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<sup>21</sup> Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

<sup>22</sup> Massachusetts General Law Chapter 40B, 760 CMR 56.00.

**Table VI-1 Dighton Housing Production Program\***

<b>Strategies by Year</b>	<b>Units &lt; 80% AMI</b>	<b>Units 80%-120% AMI</b>	<b>Total # units</b>
<b>Year 1 – 2009</b>			
N. Dighton athletic field/rental	8	0	8
Puddingstone Circle (ownership; 40B)	9	0	36
<i>Subtotal</i>	<i>17</i>	<i>0</i>	<i>44</i>
<b>Year 2 – 2010</b>			
Private development/inclusionary zoning	4	3	26
Private development/group home or abandoned Main Street property	4	0	4
Private development/duplex units	4	0	8
<i>Subtotal</i>	<i>12</i>	<i>3</i>	<i>38</i>
<b>Year 3 – 2011</b>			
Conversion of existing housing	2	0	4
Mixed-use development or adaptive reuse	4	1	15
Expansion of Lincoln Village (rental)	26	0	26
<i>Subtotal</i>	<i>32</i>	<i>1</i>	<i>45</i>
<b>Year 4 – 2012</b>			
Somerset Woods (private development; mix of ownership and rental; “friendly” 40B cluster development)	60	12	120
Private development/duplex units	4	0	8
Conversion of existing housing	2	0	4
Adaptive reuse/old Post Office	4	0	4
<i>Subtotal</i>	<i>70</i>	<i>12</i>	<i>136</i>
<b>Year 5 – 2013</b>			
First phase development of a Town-owned property	25	5	50
Private development/duplex units	4	0	8
<i>Subtotal</i>	<i>29</i>	<i>5</i>	<i>58</i>
<b>Total</b>	<b>160</b>	<b>21</b>	<b>321</b>

Total = 160 affordable units (for those earning at or below 80% of area median income), 21 workforce units (for those earning between 80% and 120% of area median), and 140 market units with a total projected number of housing units created of 321 units.

*\* Final determination of the use of existing publicly-owned parcels for new affordable housing is subject to a more thorough feasibility analysis of site conditions and Town Meeting approval in the case of Town-owned properties. If any of the preliminarily identified existing Town-owned properties are finally determined infeasible or do not obtain approval from Town Meeting, it is anticipated that the projected numbers of affordable units would be met through the acquisition of privately owned properties or private development.*



*It is difficult to project which specific projects will involve ownership vs. rental and these projections are therefore conservative with totals assuming homeownership projects, if not otherwise indicated, with at least 30% of the units affordable although a mix of rental and ownership is planned to meet local needs. The numbers would be higher in the case of rental projects with all units counting as part of the Subsidized Housing Inventory. Additionally, these estimates do not earmark particular projects as being directed to seniors, families, individuals or special needs populations beyond the first couple of years. However, this Plan projects that all of these needs will be addressed through local development efforts during the next few years.*

Meeting these production goals will be extremely challenging. Currently there is an 83-unit gap between existing affordable units (143) and 10% of the Town's year-round housing units (226 units). Moreover, this gap will increase when the new census figures become available in 2010. If the Town were to meet each of its annual production goals, obtaining certification each year, it would most likely reach the 10% state threshold sometime within the next ten years although the current Program outlined in Table VI-1 would enable Dighton to surpass the 10% goal within the next five years. *It should also be mentioned that somewhat depressed market conditions might create additional challenges for new development.*

## VII. HOUSING STRATEGIES

The strategies outlined below are based on the Housing Needs Assessment, local housing goals and the experience of other comparable localities in the area and throughout the Commonwealth. The strategies are grouped according to the type of action proposed –Building Local Capacity, Planning and Regulatory Reforms, Housing Production, and Housing Preservation – and categorized by level of priority – as either Priority 1 or 2 actions. Priority 1 actions are those that will begin within the next two years, most of which will involve some immediate actions. Those strategies listed as Priority 2 actions involve focused attention after the next couple of years, working towards implementation after Year 2 but before the end of Year 5. A summary of these actions is included in Appendix 5.

The strategies also reflect the recent changes to state Housing Production requirements that ask communities to address all of the following major categories of strategies to the greatest extent applicable:<sup>23</sup>

- *Identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating affordable housing developments to meet its housing production goal;*
  - Promote mixed-use development (see strategy VII.B.5)
- *Identification of specific sties for which the municipality will encourage the filing of comprehensive permit projects;*
  - Allow starter housing on nonconforming lots (use of LIP – see strategy VII.B.4)
  - Promote mixed-use development (see strategy VII.B.5)
  - Support private development in line with local guidelines (see strategy VII.C.2)
- *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality;*
  - Adopt inclusionary zoning (see strategy VII.B.1)
  - Adopt Housing Guidelines (see strategy VII.B.2)
  - Encourage more flexible cluster zoning (VII.B.3)
  - Promote accessory apartments (see strategies VII.B.6 and VII.C.4)
  - Promote mixed-use development (see strategy VII.B.5)
  - Adopt a duplex development bylaw (see strategy VII.B.8)
  - Convert existing housing to affordability (see strategy VII.C.3)
  - Encourage adaptive reuse (see strategy VII.C.5)
  - Support private development in line with local guidelines (see strategy VII.C.2)
- *Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing.*
  - Make suitable public land available for affordable housing (see strategy VII.C.1)
- *Participation in regional collaborations addressing housing development*
  - Greater Attleboro-Taunton HOME Consortium (see strategy VII.A.4)
  - Homebuyer counseling and other homebuyer services (see strategy VII.A.4)

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<sup>23</sup> Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

It will be important to also insure that affordable units produced through this Plan get counted, to the greatest extent possible, as part of the Subsidized Housing Inventory (SHI), applied through the Local Initiative Program (LIP) administered by the state's Department of Housing and Community Development (DHCD) if another state or federal housing subsidy is not used. In addition to being used for "friendly" 40B projects, LIP can be used for counting those affordable units as part of a Town's Subsidized Housing Inventory that are being developed through some local action including:

- Zoning-based approval, particularly inclusionary zoning provisions and special permits for affordable housing;
- Substantial financial assistance from funds raised, appropriated or administered by the city or town; or
- Provision of land or buildings that are owned or acquired by the city or town and conveyed at a substantial discount from their fair market value.

In order to be counted as part of the Subsidized Housing Inventory the units must meet the following criteria:

- A result of municipal action or approval;
- Sold or rented based on procedures articulated in an affirmative fair marketing and lottery plan approved by DHCD;
- Sales prices and rents must be affordable to households earning at or below 80% of area median income; and
- Long-term affordability is enforced through affordability restrictions, approved by DHCD.

Additionally, a Subsidized Housing Inventory New Units Request Form must also be submitted to DHCD to insure that these units get counted.

Some of the important tasks for insuring that the affordable units, now referred to as Local Action Units (LAU's), meet the requirements of Chapter 40B/LIP include:

- Meet with the developer to discuss requirements for insuring that the unit(s) are eligible for inclusion in the Subsidized Housing Inventory through the state's Local Initiatives Program (LIP).
- Determine the purchase price based on LIP Guidelines.
- Contact DHCD to discuss the project.
- Prepare a LIP Local Action Units application.
- Identify a marketing agent to conduct outreach and the lottery as well as monitoring agent to enforce the affordability restrictions.
- Execute a regulatory agreement to further insure long-term affordability between the developer, municipality and DHCD.
- Prepare a Fair Housing Marketing Plan.
- Prepare a Purchaser Application and implement the Marketing Plan.
- Hold at least one information session about the lottery.
- Approve applicants for eligibility in the lottery.
- Prepare a letter to those eligible for inclusion in the lottery and another to those who do not qualify.

- Conduct the lottery.<sup>24</sup>
- Work with winning applicants and lenders to secure mortgage commitments.
- Obtain the deed rider and Resale Price Certificate from DHCD that requires the loan commitment letters, purchase and sale agreements, and contact info for the closing attorneys.
- Work with lenders and the developer to close on the units.
- Submit necessary documentation to DHCD to have the unit counted as part of the Subsidized Housing Inventory.
- Annually recertify the continued eligibility of affordable units.

A designated municipal employee, the Housing Authority or a consultant should be identified to coordinate this work (see strategy VII.A.2). The affordability restrictions for all units produced through the Local Initiative Program will be monitored by DHCD, but it is the premise of LIP that the municipality and DHCD work together to create affordable housing and fulfill the obligations of the affordability restrictions.

*It should be noted however, that a major goal of this Plan is not only to strive to meet the state's 10% goal under Chapter 40B, but to also to serve local needs and there are instances where housing initiatives might be promoted to meet these needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory (examples include the promotion of accessory apartments or workforce housing for those earning between 80% and 120% of area median income).*

Within the context of these compliance issues, local needs, existing resources, affordability requirements and the goals listed in Section II of this Plan, the following housing strategies are offered for consideration. *It is important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels.*

#### **A. Capacity Building Strategies**

In order to carry out the strategies included in this Housing Production Plan and meet production goals, it will be important for the Town of Dighton to build its capacity to promote affordable housing activities. This capacity includes gaining access to greater resources – financial and technical – as well as building local political support, developing partnerships with public and private developers and lenders, and creating and augmenting local organizations and systems that will support new housing production.

It will be a substantial challenge for Dighton to meet the prescribed annual affordable housing production goal of 11 units, based on 0.50% of the town's year-round housing stock,<sup>25</sup> that will likely increase to at least 13 units after the next decennial census count becomes available. Housing growth will continue to drive-up the 10% goal.

Specific actions to help build local capacity to meet local housing needs and production goals are detailed below. While these strategies do not directly produce affordable units, they provide the necessary support to implement a proactive housing agenda that ultimately will produce new units.

##### **1. Conduct Ongoing Educational Campaign**

*Current Status:* Affordable housing has become a more visible issue in Dighton, largely as a result of high housing prices that are having homeowners, especially long-term homeowners, pondering how they

<sup>24</sup> Up to 70% of the affordable units in most developments can be reserved for those who have a connection to the community, "community preference units", including current residents, the children and parents of current residents, Town employees and employees of the Dighton-Rehoboth School District.

<sup>25</sup> The number of year-round units is determined by the 2000 census and will increase when the 2010 census figures become available.

might fare in the current housing market if they did not already own a home. Affordable housing, or the increasing lack thereof, is becoming a much-discussed issue throughout the state, and many communities are trying to become more proactive on affordable housing production, including Dighton. While residents are increasingly aware of these high housing prices and some are likely encountering difficulties affording housing in Dighton, it is likely that many residents hold onto negative stereotypes of what affordable housing is and what it will do to their community. Indeed some claim that the very term “affordable” housing carries a stigma.

On February 21, 2008, the Dighton Affordable Housing Committee sponsored a forum for local leaders and the public to hear the results of a Housing Needs Assessment that is a substantial component of this Housing Production Plan (see Section III). During this meeting, updated information on the dwindling supply of unsubsidized affordable housing in Dighton was presented, highlighting the current gaps between the supply of housing and local needs (see Appendix 3 for a summary of this meeting).

Another public forum was held on ?, 2008, to provide information on the draft Housing Production Plan to not only get feedback on the Plan’s strategies and goals, but also to offer another opportunity to showcase the issue of affordable housing in a light that demonstrates how the Town can better serve the wide range of local needs and control new development. Additional opportunities to engage the community in discussions on affordable housing and to present information on the issue are needed to dispel myths and help galvanize local support, political and financial, for new affordable housing production, particularly in regard to new housing initiatives. These outreach efforts are mutually beneficial as they provide useful information to community residents and important feedback to local leaders on local concerns and suggestions. They also present an opportunity to improve communication and coordination among various Town boards and committees that have some role related to the implementation of this Housing Plan.

*Next Steps:* The presentation of this Housing Production Plan offers an opportunity to bring attention to the issue, offering information on housing needs and proposed strategies that can help attract community support for affordable housing initiatives. Other public education opportunities should be pursued such as having representatives from other towns speak in annual public forums on innovative affordable housing strategies, which Truro did last summer that included panel discussions on particular housing-related topics. Yarmouth recently held its second annual affordable housing summit around a spaghetti dinner to draw residents to hear updates on the Town’s Housing Plan and future initiatives. Most communities hold public meetings to present new housing initiatives to the community and get important feedback and agreement on how to move towards approval. These forums can help build community interest, improve communication and garner support. It may also be feasible to have local banks support such efforts with financial and/or technical assistance.

*Timeframe:* Priority I and ongoing

*Responsible Party:* Affordable Housing Committee or proposed Housing Trust (see strategy VII.A.3).

*Resources Required:* Donated time of the Housing Committee or Housing Trust.

## **2. *Secure Professional Support to Implement the Plan***

*Current Status:* If the Town of Dighton wants to assume a more proactive role in promoting affordable housing and effectively implement actions included in this Housing Plan, it will have to augment its capacity to coordinate these activities. While most of the strategies that are included in this Plan do not by themselves involve substantial amounts of staff time from Town officials or donated time from board and committee members, when considered altogether they require a significant time commitment and involve some specialized expertise in housing

programs, policy and development. Being such a small community, Dighton does not currently have a Town Planner, a Town Administrator nor another Town staff person with substantial affordable housing expertise.

Various municipalities have handled this need differently. For example, the Town of Marshfield issued a Request for Proposals for a Housing Coordinator position and hired a full-time person for several years. Currently it splits this position between two consultants. The Town of Grafton has an Assistant Planner on board to assume many of these housing-related functions. Bedford has a consultant working part-time on overseeing its housing activities and at one time shared this consultant with the Town of Lincoln. Belmont is working with a non-profit development organization located in a nearby community to support its housing activities. Holliston is working with a consultant to implement key initiatives, and at some point in the future is likely to hire a housing professional on at least a part-time basis with CPA funds. Yarmouth has recently hired a part-time consultant to provide needed support. Communities such as Chatham rely heavily on its effective Housing Authority for program support related to affordable housing.

Dighton has used a number of consultants in prior work related to affordable housing. For example, the ZBA has hired an attorney, Marguerite Mitchell, to work on the Town's behalf on an as needed basis in reviewing comprehensive permit applications and providing professional support on housing-related matters.

*Next Steps:* The Board of Selectmen should work with the Affordable Housing Committee and eventually the proposed Housing Trust (see strategy VII.A.3) to determine how best to bring on the necessary skills and experience to effectively oversee the implementation of various components of this Housing Plan. Because such a positive working relationship has developed between the Town and Attorney Marguerite Mitchell, it might make sense for the Town to work out a more comprehensive agreement for professional support from Attorney Mitchell. If the Town approved the Community Preservation Act (see strategy VII.A.8), this funding could support a staff position related to implementing community housing initiatives as could fees from developers seeking approval of 40B permits.

Moreover, Dighton is fortunate to have a number of local and regional entities in which it can partner and get professional support towards the implementation of various strategies including:

- *Dighton Housing Authority*  
The Dighton Housing Authority may be interested in taking on specific tasks outlined in this Housing Plan, particularly the development of land it owns next to its Lincoln Village project.
- *Greater Attleboro-Taunton HOME Consortium*  
The Greater Attleboro-Taunton HOME Consortium has not only funding available to support a wide range of affordable housing initiatives, but particular programs that are available to Dighton residents including its Housing Renovation Program (see Section VII.D for details).
- *Pro-Home, Inc.*  
Pro-Home, Inc. is a non-profit housing organization based in Taunton that provides a number of important services to support first-time homebuyers and the development of affordable housing. It is one of the only organizations in the state that has successfully utilized the state Attorney General's special program directed to the redevelopment of abandoned tax delinquent properties into first-time homeownership opportunities. Pro-Home has expressed great interest in working in Dighton and other nearby communities to help promote affordable housing.

- *South Shore Housing Development Corporation*  
South Shore Housing is the region's non-profit housing organization and has decades of experience managing various housing services, developing affordable housing, and managing real estate. South Shore Housing has helped many communities in Plymouth and Bristol Counties advance their affordable housing agendas and can be helpful in providing support for the development of rental housing, marketing and outreach for lotteries, etc.

More information on these and other local and regional organizations is included in Appendix 1. It should also be noted that other consultants could be brought on as needed to handle specific activities including environmental engineers for predevelopment work, appraisers, surveyors, etc.

*Timeframe:* Priority 1

*Responsible Party:* Board of Selectmen in consultation with the Affordable Housing Committee or proposed Housing Trust.

*Resources Required:* Consultant fees that will vary according to what strategies are undertaken and the scope of services. Any consultant, including the Dighton Housing Authority, which assumed a role in the implementation of this Housing Plan would have to be paid on a fee for service basis. Some of the fees could come from specific development project budgets. Passage of the Community Preservation Act would provide an excellent resource to pay for such services.

**3. Create a Municipal Affordable Housing Trust and Dedicated Housing Trust Fund**  
*Current Status:* Discussions with other communities regarding the success of their affordable housing initiatives indicate that it is often critical to have accessible funds available to respond immediately and effectively to housing opportunities as they arise. Also, many of the state subsidy sources require local contributions either through local funds, donation of Town-owned property, or private donations. In order to receive donations and avoid paying taxes, it is useful for each locality to have a dedicated housing fund that offers communities greater ability to support the development of affordable housing.

On June 7, 2005, the Governor signed new legislation, called the Municipal Affordable Housing Trust Fund Act, which simplified the process of establishing such funds. More than 40 communities have adopted these funds to date and many more have plans to do so during the coming year. Previously, cities could create trusts through their own resolution, but Towns had to get approval from the state legislature through a home rule petition. The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into an affordable housing trust fund, and use these funds without going back to Town Meeting for approval. It also enables trusts to own and manage real estate, not just receive and disburse funds. The law further requires that local housing trusts be governed by at least a five-member board of trustees, appointed and confirmed by the Board of Selectmen, in the case of towns, and including a member of the Board of Selectmen. While the new trusts must be in compliance with Chapter 30B, the law which governs public procurement as well as public bidding and construction laws, it is likely that most trust will opt to dispose of property through a sale or long-term lease to a developer so as to clearly differentiate any affordable housing development project from a public construction project.

*Next Steps:* Dighton's Board of Selectmen should seek approval at its next Town Meeting for the establishment of a Municipal Affordable Housing Trust Fund and appoint members of the Board of Trustees. This Housing Trust would serve as the Town's permanent committee for overseeing

housing issues and the implementation of the Housing Production Plan, managing the Affordable Housing Trust Fund, defining policy issues that are in the public interest, serving as the Town's development review committee, and working with the Planning Board on establishing housing guidelines for housing efforts. This entity may effectively assume the responsibilities of the Affordable Housing Committee and current members might be considered for serving on this Housing Trust.

It will also be important to explore a wide range of possible fundraising options to capitalize the Trust Fund. In addition to possible CPA funding (see Section VII.A.8) and other public sector resources, the Town should also consider private sector donations. This process of securing private support not only provides financial benefits to support local housing efforts, but it is also a vehicle for raising awareness of the affordable housing issue and generating interest and political support for affordable housing initiatives.

Many communities are reaching out to residents for private donations of land or funds to promote housing affordability. Such contributions and the "bargain sale" of real estate could become a part of the Dighton land ethic, but donations need to be promoted, nurtured, and facilitated. Inclusionary zoning, if passed, may also provide cash resources for a wider range of possible developments that can help capitalize the Affordable Housing Trust Fund if the developer decides to pay cash in lieu of constructing actual affordable units. Developers may also contribute to the Housing Fund through negotiations on comprehensive permit projects or other local developments. Developers make additional contributions to these funds if the purchase prices for the market units are higher than the prices that were projected in their comprehensive permit applications and profits are more than the 20% allowed under Chapter 40B.

Faith-based affordable housing initiatives are also widely viewed as effective, as reported by the organization World Vision.<sup>26</sup> The Dighton Housing Committee/Trust can work with the local churches on some additional activities that focus on affordable housing, including, for example, donations to the Housing Fund, perhaps during Fair Housing month.

*Timeframe:* Priority 1

This process could be accomplished within the next year, ready for vote by the next Town Meeting.

*Responsible Party:* Board of Selectmen with support from the Affordable Housing Committee

*Resources Required:* The process of creating the Affordable Housing Trust Fund is relatively straightforward and can be coordinated by the Affordable Housing Committee in concert with the Board of Selectmen. Once established, it will be incumbent upon the Town to support efforts to capitalize the Fund including possible future CPA funding in support of affordable housing initiatives. Other resources include the donated time of volunteers to coordinate fundraising activities with staff support at some point in the future.

#### **4. Access Housing Resources**

*Current Status:* The affordability of most housing development projects typically involves multiple sources of financing including both private and public loans and grants. Even Chapter 40B comprehensive permit projects rely on what is referred to as "internal" subsidies where the market rate units support the costs of the affordable ones in tandem with increased density. It will be important for

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<sup>26</sup> Shabecoff, Alice. Rebuilding Our Communities: How Churches Can Provide, Support, and Finance Quality Housing for Low-Income Families, World Vision: Monrovia, California.



the Town to encourage the establishment of partnerships with other interested parties including non-profit organizations, lenders, public agencies, and developers to secure the necessary financial and technical resources to create affordable units. Most communities with Community Preservation funding find this source invaluable in paying for upfront predevelopment costs and feasibility analysis as well as leveraging additional public subsidies (see strategy VII.A.8).

A very important resource for Dighton is HOME funding from the Greater Taunton-Attleboro HOME Consortium, which has not been tapped by the Town of Dighton to date. HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to do the following:

- Produce rental housing;
- Provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties;
- Offer tenant-based rental assistance (two-year subsidies); and/or
- Assist first-time homeowners.

Other important resources can be accessed through Pro-Home, Inc., a private, non-profit organization that provides a range of services in support of affordable housing. The Greater Attleboro-Taunton HOME Consortium (GATHC), administered by the City of Taunton's Office of Economic and Community Development, subcontracts with Pro-Home to run its housing counseling programs, including series of workshops for first-time homebuyers, pre-purchase and post-purchase counseling, as well as money management and foreclosure prevention counseling. These counseling services are also available to residents of Dighton. Pro-Home, Inc. also develops new affordable housing and is interested in assisting nearby communities with their affordable housing initiatives. Taunton's Office of Economic and Community Development also administers a housing rehab program with HOME Program funding from GATHC that could be helpful to qualifying homeowners in Dighton (see strategy VII.D.1 for more details).

There is a wide range of other local and regional organizations that can be tapped to support Dighton's housing efforts, some of which are discussed in strategy VII.A.2 above and summarized in Appendix 1.

*Next Steps:* The Town of Dighton should work with developers to reach out to private, public and non-profit entities to secure additional housing resources – technical and financial – in support of its efforts to produce new affordable housing as new opportunities arise. The developer is typically responsible for applying for these funds, but the support of municipal governments is often crucial for securing very competitive funding. There are numerous public programs that can be helpful in financing local housing efforts. HOME funding from the Greater Attleboro-Taunton HOME Consortium (GATHC) should be considered a priority resource. A summary of some of these subsidy programs as well as pertinent housing regulations (e.g., Chapter 40B, Local Initiative Program, Commonwealth Capital, Community Preservation Act) is included in Appendix 5.

*Timeframe:* Priority 1

*Responsible Party:* Board of Selectmen, and in some cases the Dighton Affordable Housing Committee or proposed Housing Trust, will need to provide letters of support for subsidy applications for affordable housing projects. The Board of Selectmen in fact are required to take the lead in submitting applications to the state for participation in the Local Initiative Program (LIP) or “friendly” 40B Program.

*Resources Required:* Donated time of members of the Affordable Housing Committee or proposed Housing Trust to provide some support, including letters, to developers for affordable housing funding which will be needed for new initiatives.

**5. *Create an Inventory of Properties Potentially Suitable for Affordable Housing***

*Current Status:* This Housing Production Plan includes a preliminary list of potential public sites that may be suitable for the development of housing, including some amount of affordable housing (see Section V). A more comprehensive review of existing properties would be helpful to determine future opportunities to create affordable housing in Dighton and help meet the outstanding needs and production goals included in this Housing Plan. Recently the Town's Land Use Committee has been conducting some research on Town-owned property and issued a report. Some of the properties in this report are included in Section V. These and others should be studied in more depth to determine the most appropriate municipal use, balancing competitive needs including the need for affordable housing.

*Next Steps:* Representatives from the Affordable Housing Committee should work with other Town boards and committees such as the Planning Board, Board of Assessors and Conservation Commission, and the Land Use Committee in particular, to review the inventory of Town-owned property and determine which parcels, if any, might be appropriate for affordable housing. After some initial environmental testing and other preliminary feasibility analyses (the costs of which could be covered by CPA funds if approved – see strategy VII.A.8), the Town could declare these parcels surplus and convey them to a designated developer following Town Meeting approval for the conveyance and the selection of the developer via a Request for Proposals (see strategy VII.C.1 for more information on the process of developing Town-owned property). The Town should also consider what privately-held properties might be suitable for affordable housing and work with existing owners to develop or acquire.

*Timeframe:* Priority 1

*Responsible Party:* Board of Selectmen

*Financial Resources Required:* Donated time of the Affordable Housing Committee and Land Use Committee.

**6. *Encourage Training for Board and Committee Members***

*Current Status:* Local boards such as the Affordable Housing Committee, Zoning Board of Appeals, Planning Board and other interested local leaders as well as members of the Dighton Housing Authority, should receive training on affordable housing issues including the comprehensive permit process, the new regulations and guidelines in particular. Well advised and prepared board and committee members are likely to conduct Town business in a more effective and efficient manner. New members without significant housing experience would benefit substantially from some training and orientation regarding their responsibilities. Moreover, requirements keep changing and local leaders must remain up-to-date. Funding for the professional development of staff would also help keep key professionals informed on important new developments, best practices and regulations.

The University of Massachusetts Extension's Citizen Planner Training Collaborative (CPTC) offers classes periodically throughout the year and will even provide customized training sessions to individual communities. Examples of topics covered in their fall 2007 workshops included but was not limited to the following:

- Roles and responsibilities of Planning and Zoning Boards
- How to hold the perfect public hearing
- Chapter 40B

- Inclusionary housing
- Open space residential development
- Sustainability

The Massachusetts Housing Partnership has initiated the Massachusetts Housing Institute, which is “an educational program to support municipalities and local participants to better understand the affordable housing development process and have an effective role in initiating and implementing local solutions to increasing housing choices”.<sup>27</sup> This training is held over a two-day period, at least once a year. Topics during a recent Institute included:

- The affordable housing development process
- What you should know about development finance
- Getting housing built in the community
- Designing for affordability – architecture, design and density

Other organizations and agencies, such as DHCD, MHP, CHAPA, and the Community Preservation Coalition also provide conferences and training sessions on a wide variety of housing issues that would be useful for local officials and staff persons to attend. In addition, there are numerous written resources for localities. For example, DHCD has prepared a procedural “how to” booklet for local communities on the development process, MHP has many technical guides for localities, and CHAPA has a wide variety of reports on many issues related to affordable housing as well.

*Next Steps:* The Town’s Board of Selectmen should encourage members of appropriate committees, the ZBA, Planning Board, Affordable Housing Committee or proposed Housing Trust to attend statewide and regional training sessions on housing-related issues. If fees are involved, this funding should be made available. This training should also be accessed on an ongoing basis as membership of these boards and committees turns over.

*Timeframe:* Priority 1

*Responsible Party:* Board of Selectmen

*Resources Required:* Information on available training should be tracked by a designated official or municipal staff person and made available. Attendance fees should be paid when required, the costs potentially ranging from \$2,000 to \$4,000 annually.

#### **7. *Apply for a Commonwealth Capital Score to Secure Funding from State Capital Spending Programs***

*Current Status:* The state established Commonwealth Capital as a policy that encourages communities to implement smart growth measures by making municipal land use regulations more consistent with smart growth principles. The state uses these reforms as part of the evaluation of proposals for state funding under a number of state capital spending programs related to economic development, the environment, transportation and infrastructure as well as housing. Municipalities have been scored based on what progress has been made in bringing local regulations, policies and land use-related initiatives into greater compliance with smart growth principals. This program is summarized in more detail in Appendix 5.

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<sup>27</sup> Massachusetts Housing Partnership, Massachusetts Housing Institute agenda for June 14-15, 2007 Conference.

While the future of Commonwealth Capital was in doubt during the transition from the Romney to Patrick administrations, particularly when the Office of Commonwealth Development that administered the program was disbanded, the state has maintained the basic principles of Commonwealth Capital. In fact the changes for fiscal year 2008 were quite modest that included an altered list of discretionary state programs to which the policy applies. The state has recently proposed more substantive changes, which are summarized in Appendix 5. It is important to note that the completion of this Housing Plan would result in a higher score as would many of the strategies included in this Plan such as:

- Adoption of the Community Preservation Act
- Zoning for mixed-use development
- Modifying the accessory apartment bylaw
- Adopting the duplex development bylaw on a by-right basis
- Zoning for more flexible, cluster development
- Inclusionary zoning
- Attainment of Housing Production certification (meeting annual production goal)
- Production of housing units on municipally owned land or with municipal funding
- Where 66% or more of new units produced is through mixed-use development (including 40R and TOD), cluster development, multi-family housing, single-family development on ¼ acre lots, and/or conversion or redevelopment activities.

*Next Steps:* With staff support from a designated municipal official or a consultant, the Board of Selectmen should prepare and submit the scoring application under Commonwealth Capital prior to applying for any of the state's capital spending programs or as required.

*Timeframe:* Priority 1

*Responsible Party:* Board of Selectmen

*Resources Required:* May require time from a municipal staff person or a consultant to prepare the application for scoring under Commonwealth Capital.

#### **8. *Promote Local Approval for the Community Preservation Act (CPA)***

*Current Status:* The Community Preservation Act establishes the authority for municipalities in the Commonwealth to create a Community Preservation Fund derived from a surcharge of 1% to 3% of the property tax, to be matched by the state based on a funding commitment of approximately \$26 million annually. Once adopted the Act requires at least 10% of the monies raised to be distributed to each of three categories – open space, historic preservation and affordable housing – allowing flexibility in distributing the majority of the money to any of the three uses as determined by the community. More than 100 municipalities in the Commonwealth are benefiting from this important new resource that could be pivotal to Dighton preserving its history, open space and housing affordability.

*Next Steps:* The Town's Board of Selectmen should establish a Committee to explore this strategy comprised of members from a variety of Town boards and committees and local organizations, chaired by a member of the Board of Selectmen. The Community Preservation Act Coalition is available to support community efforts related to the CPA and have an excellent web site at [www.communitypreservation.org](http://www.communitypreservation.org).

*Timeframe:* Priority 1

If a Committee is designated to review this issue in 2008, it could report back to the Board of Selectmen in time for the matter to be voted on through a referendum in 2009.

*Responsible Party:* Board of Selectmen

*Resources Required:* Donated time of volunteers to seek support and approval of CPA in Dighton.

## **B. Planning and Regulatory Strategies**

Housing production is contingent not only on actual development projects but on the planning and regulatory tools that enable localities to make well informed decisions to strategically invest limited public and private resources on housing creation. To most effectively and efficiently execute the strategies included in this Plan and meet production goals, greater flexibility will be needed in the Town's Zoning Bylaw, and new tools will be required to capture more affordable units and better guide new development to specific "smarter" locations.

Similarly to most communities in Massachusetts, the Bylaw includes large lot zoning and other exclusionary provisions. In the case of Dighton, the minimum lot requirement is 35,000 square feet and there are frontage, setback and other requirements that are not conducive to affordable housing. This creates the likely need for regulatory relief for any residential development that includes affordable units, possibly through the "friendly" comprehensive permit process that overrides local zoning if not through normal regulatory channels. Additionally, the Zoning Bylaw incorporates a number of provisions that while intended to encourage affordable housing, have not provided sufficient incentives to realize actual new affordable units and should be revisited and revised as necessary (see Section IV.B).

The Town of Dighton should consider the following planning and zoning-related strategies to promote the creation of additional affordable units and to direct new development in appropriate locations. These actions can be considered as tools that the Town will have available to promote new housing opportunities, each applied to particular circumstances and providing a powerful group of resources when available in combination. These strategies enable new affordable unit creation that is more responsive to local needs and priorities. Estimates of units that might be produced through these planning and regulatory tools are incorporated under Section VII.C – Housing Production strategies.

It should also be noted that recent changes to Chapter 40B regulations expand the items that a subsidizing agency must consider when determining the appropriateness of a site for eligibility through the comprehensive permit process and includes information provided by the municipality or other parties regarding *municipal actions previously taken to meet affordable housing needs, including inclusionary zoning, multi-family districts and 40R overlay districts.*<sup>28</sup> Therefore, a community's progress in reforming its land use provisions to promote affordable housing and smart growth will likely have a meaningful impact on the determination of project eligibility/site approval for comp permit projects.

### **1. Adopt Inclusionary Zoning**

*Current Status:* Inclusionary zoning, not currently included in Dighton's Zoning Bylaw, is a zoning provision that requires a developer to include affordable housing as part of a development or potentially contribute to a fund for such housing. This mechanism has been adopted by more than one-third of the communities in the state to insure that any new development project over a certain size includes a set-aside in numbers of affordable units or funding from the developer to support the creation of affordable housing. This bylaw applies to developments that typically meets local zoning requirements, but most communities have determined it appropriate to incorporate density bonuses in their inclusionary bylaw.

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<sup>28</sup> Massachusetts General Laws, Chapter 40B, Section 56.04.

Many of the municipalities that have inclusionary zoning in place are reaping the rewards of these actions through the creation of actual affordable units and/or cash contributions to the locality for investment in affordable housing production. Most of the bylaws include mandated percentages of units that must be affordable, typically 10% to 20% and density bonuses<sup>29</sup>. Some also allow the development of affordable units off-site and/or cash in lieu of actual units.

*Next Steps:* There are a variety of bylaws that have been adopted in localities throughout the state but requirements vary considerably. The Executive Office of Environment and Energy's Smart Growth Toolkit includes a model inclusionary zoning bylaw that highlights key local decisions and makes some commentary for consideration throughout ([www.mass.gov/envir/smart\\_growth\\_toolkit/pages/SG-bylaws.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/SG-bylaws.html)). The Citizen Planner Training Collaborative's website also has a model bylaw with commentary as well ([www.umass.edu/masscptc/examplebylaws.html](http://www.umass.edu/masscptc/examplebylaws.html)).

The Dighton Planning Board should explore models and prepare a zoning amendment that is best suited to supporting affordable housing in Dighton. The Planning Board should present the bylaw to Town Meeting for adoption.

*Timeframe:* Priority 1

This process could be accomplished within the next year, ready for vote by Town Meeting in 2009.

*Responsible Party:* Planning Board

*Resources Required:* One of the benefits of this strategy is that it requires very little local investment to implement. The research and preparation of the bylaw could be performed by a designated Town official or a consultant such as Attorney Marguerite Mitchell with whom the Town has a very positive working relationship with respect to housing and land use issues.

It will be important to also insure that all affordable units produced through the bylaw get counted as part of the Subsidized Housing Inventory, applied through the Local Initiative Program (LIP) administered by DHCD if another housing subsidy is not used. The major tasks for insuring that the affordable units, now referred to as Local Action Units (LAUs), meet the requirements of Chapter 40B are summarized at the introduction to this section. Some professional support will be required to oversee this work (see strategy VII.A.2), the costs of which could be incorporated into the specific project budget. The monitoring of projects to insure continued affordability based on use restrictions would be the responsibility of a designated monitoring agent, DHCD in the case of LIP units, however towns also have a significant role in the monitoring process.

*Projected # Affordable Units Produced:* Units counted under strategy VII.C.2 – support private development through housing guidelines. Ideally the adoption of this bylaw would lead to the production of actual housing units, but may also deliver payments in lieu of actual units to help capitalize the proposed Housing Trust (see strategy VII.A.3).

## **2. Adopt Affordable Housing Guidelines – Promoting More Responsive Private Development**

*Current Status:* “Affordable Housing Guidelines” should be considered by the Town of Dighton as a helpful tool for promoting greater cooperation with private for profit and non-profit developers on affordable housing production (see strategy VII.C.2). This Housing Plan incorporates production goals that identify development opportunities leading to the production of at least 0.50% of the year-round housing stock per year of at least 11 units. However, given past production, this goal is ambitious and will require the Town to continue to work with developers to boost the level of affordable housing. To

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<sup>29</sup> Density bonuses allow increased densities beyond what is allowed under the Zoning Bylaw.

this end the Town should consider affecting the types of housing proposals submitted through the creation of reasonable Affordable Housing Guidelines that provide guidance on projects that will likely be acceptable to the community.

Affordable Housing Guidelines, also referred to as LIP Policies or local 40B guidelines, provide an aid to both non-profit and for profit housing developers to help them plan for residential development that will be in line with what the community seeks in affordable housing related to scale, siting, density, levels of affordability, location, design, etc. Through such Guidelines the developer “wins” because there is greater predictability in what the Town is willing to approve, and the Town “wins” because it gets new affordable units that comply with reasonable locally-established development criteria and help it meet local needs and production goals. These Guidelines will contribute to a more open environment where developers who meet these development criteria can approach the Town with the expectation that they will likely be able to pursue their project through a “friendly” Chapter 40B process, if not normal regulatory channels, working with instead of against the Town on housing creation strategies.

Other towns have established guidelines including the Town of Grafton, which is planning to revisit and revise policies for “friendly” 40B projects, as well as the Town of Chatham that has established local 40B policies, for example.

*Next Steps:* The Zoning Board of Appeals, working in coordination with the Planning Board, Dighton Housing Authority and Affordable Housing Committee or proposed Housing Trust, should explore models of Affordable Housing Guidelines (also referred to as LIP Policies, Chapter 40B Policies or Procedures), make necessary changes and share them with the Board of Selectmen, Conservation Commission, Board of Health, Zoning Board of Appeals and other interested boards and committees for their review and comment. The Guidelines can then be finalized and made public.

*Timeframe:* Priority 1

*Responsible Party:* Zoning Board of Appeals with support from the Affordable Housing Committee or proposed Housing Trust and Planning Board.

*Resources Required:* The donated time of local officials and various Town boards and committees and possibly the services of a consultant, potentially funded through available state technical assistance funds.

*Projected # Affordable Units Produced:* These units are counted under strategy VII.C.2.

### **3. Encourage More Flexible Cluster Zoning**

*Current Status:* Dighton’s Zoning Bylaw includes conservation subdivision provisions that allow cluster development, a “smarter” way for developing new sites. Cluster development better protects the environment and the rural character of Dighton while potentially offering a broader range of housing options that can promote affordability. While the bylaw states that it is meant to promote the development of housing that is affordable to low- and moderate-income households, there are no specific provisions to make affordable housing feasible, such as density bonuses, and not surprisingly no affordable units have been approved to date through this bylaw.

*Next Steps:* The Planning Board should review model bylaws with respect to more flexible zoning provisions and tweak the existing bylaw. Model bylaws have been produced by the Metropolitan Area Planning Council, Massachusetts Audubon, and others in the Green Neighborhood Alliance, and adopted by a number of Massachusetts communities. Several examples are offered on the Citizen Planner Training Collaborative website ([www.umass.edu/masscp/c/examplebylaws.html](http://www.umass.edu/masscp/c/examplebylaws.html)) and the state’s Smart Growth Toolkit ([www.mass.gov/envir/smart\\_growth\\_toolkit/pages/SG-bylaws.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/SG-bylaws.html)).

More incentivized density bonuses and affordability requirements should be integrated into the bylaw to encourage this kind of development and to support project feasibility. Consideration should also be given to allowing smaller multi-family dwellings. Associated design guidelines and inclusionary requirements can insure that goals are met in ways appropriate and beneficial to the Town.

*Timeframe:* Priority 2

*Responsible Party:* Planning Board

*Resources Required:* The Planning Board should coordinate this effort with other appropriate local officials in drafting the zoning amendment and coordinating the necessary approvals towards implementation. This strategy is likely to require some professional support from a consultant.

*Projected # Affordable Units Produced:* Units created under this strategy become part of the private development estimates (see strategy VII.C.2 for estimates).

#### **4. Allow “Starter Home” Development on Nonconforming Lots<sup>30</sup>**

*Current Status:* There are parcels of vacant land that at this time cannot be developed because they do not meet the dimensional requirements of the Zoning Bylaw such as minimum lot size as well as front, rear and side yard provisions. It is likely that some, if not many, of these parcels could in fact be suitably developed as housing. Smaller lots will encourage the construction of smaller homes under appropriate guidelines to provide some housing options that are not currently being created by the private market as starter housing, which is a priority housing need in Dighton as identified in the Housing Needs Assessment.

*Next Steps:* The Planning Board should explore what other communities are doing with respect to these undersized lots and should prepare a zoning amendment to enable these lots to be developed based on specific criteria. One potential model is to adapt a bylaw that has been approved in Dennis to allow “affordable lots” that enables nonconforming lots to be built on by special permit if they meet the following conditions:

- Contains at least 10,000 square feet and satisfies other Board of Health requirements.
- Has safe and adequate access to a public or private way.
- Is similar in size and shape to surrounding lots.
- The dwelling cannot have more than three bedrooms with a minimum of 500 square feet per bedroom.
- The applicable front, rear and side yard requirements are determined by establishing an average setback based on the homes adjacent to and across the street from the lot in question.
- Where two lots are in common ownership, one of the two lots must be deed restricted to insure permanent affordability and where more than two lots are held in common ownership, the second, third and fifty percent of the remaining lots to be built upon shall be deed restricted as permanently affordable (the fourth lot may be market rate, fifth affordable, sixth market rate, etc.).

Another consideration might be to decrease the minimum lot requirement to 15,000 or even 10,000 square feet for two-family homes where one of the units is affordable and eligible for counting as part of the Subsidized Housing Inventory as long as the development is in line with Title V requirements. The

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<sup>30</sup> Also commonly referred to as “noncomplying lots”.



development of these lots could also be promoted through the “friendly” 40B process of the state’s Local Initiative Program (LIP).

*Timeframe:* Priority 2

*Responsible Party:* Zoning Board of Appeals in coordination with the Planning Board

*Resources Required:* The Planning Board should coordinate this effort with other appropriate local officials in determining the feasibility of implementing this strategy in Dighton, drafting the zoning amendment and coordinating the necessary approvals towards implementation. This strategy may also require some professional support from a consultant. It will also be incumbent upon the Town to insure that any affordable units created under this strategy meet all state requirements and be included on the Subsidized Housing Inventory as well as annually monitored (see strategy VII.A.2 for more details on this necessary professional support).

*Projected # Affordable Units Produced:* Counted under strategy VII.C.2.

#### **5. Promote Mixed-Use Development**

*Current Status:* Dighton’s Zoning Bylaw does not allow mixed-use development in any of its zoning districts. It is typically appropriate, at least in a planning context, to look towards promoting mixed-uses, particularly mixed commercial and residential uses, in areas that already allow commercial development and where somewhat higher density makes sense such as town or village centers or commercial corridors. In the case of Dighton, it would be useful to promote this type of development along Routes 138 and 44, including business, commercial and even industrial zoning districts. Opportunities for attracting new business development to diversify Dighton’s tax base and for integrating affordable housing should be promoted in the bylaw.

There are bylaws that have been adopted in many other communities that offer models on how to incorporate housing, including affordable housing, in town or village centers and other commercial areas. These bylaws encourage the development of housing on top of first-floor retail space, for example. The Town of Yarmouth recently passed a Village Center Bylaw as did the Town of Dennis. The Metropolitan Area Planning Council (MAPC) has prepared a report entitled, “Mixed Use Zoning: A Planner’s Guide” that can be referenced. Additionally, the Citizen Planner Training Collaborative offers several models. The establishment of Smart Growth Zoning Overlay District under the state’s 40R and 40S provisions may also be helpful in promoting the feasibility of mixed-use development (40R/40S are described in Appendix 5).

Another option would be to develop policy and design guidelines on mixed-use development and process acceptable mixed-use development projects through the “friendly” 40B process as established under the state’s Local Initiative Program (LIP). These policies could be incorporated into the Affordable Housing Guidelines proposed under strategy VII.B.2.

*Next Steps:* The Planning Board should explore bylaws for promoting mixed-use development and prepare a zoning amendment that best meets Dighton’s needs, which would be submitted to Town Meeting for approval.

*Timeframe:* Priority 2

*Responsible Party:* Planning Board

*Resources Required:* This strategy may require staff time from a designated municipal official or a consultant. Potential developers might also be willing to cover at least some of the costs related to creating this bylaw.

*Projected # Affordable Units Produced:* Counted under strategy VII.C.2.

#### **6. *Modify Accessory Apartment Bylaw***

*Current Status:* The Zoning Bylaw allows accessory apartments under special permit and a range of requirements. To date approximately 20 accessory apartment units have been permitted in Dighton, offering small rental units that help diversify the housing stock. It is generally recognized that there are illegal accessory apartments in town as well that may in fact possibly pose health and safety hazards.

Accessory units are helpful in meeting a number of public policy objectives including the following:

- Enables homeowners to capture additional income, which is particularly important for elderly homeowners or single parents where such income may be critical to remaining in their homes. Also, some young families or moderate-income households might be able to afford homeownership if they could count on income from an accessory apartment.
- Provides appropriately sized units for growing numbers of smaller households.
- Are inexpensive ways of increasing the rental housing stock at lower cost than new construction and without loss of open space, without significant impact on the surrounding neighborhood, and without additional Town services such as streets or utilities. There are, however, issues regarding the adequacy of the existing septic system when a new bedroom is added.
- Tenants in accessory apartments can also provide companionship, security and services for the homeowner, from shoveling the sidewalk for an elderly owner to babysitting for a single parent.
- As recognized by the current bylaw and often referred to as “in-law” apartments, they have offered good opportunities for keeping extended families in closer contact.
- New accessory units typically generate tax revenue in a locality because accessory units add value to existing homes.

Recent changes to state requirements for counting accessory apartments as part of the Subsidized Housing Inventory (SHI) have dampened the enthusiasm of many localities in adding an affordable accessory apartment component in their local bylaws. The major change affected the tenant selection process, requiring owners of such units to fill their units from a pre-qualified list established by the municipality in conformance with state requirements including Fair Housing laws. Additionally, deed restrictions are required but now can be revoked upon the discretion of the owner, in which case the unit is removed from the Subsidized Housing Inventory. Some communities, such as the Town of Carlisle, are pursuing an affordable accessory apartment in conformance with these requirements. Other communities have determined to put their efforts on hold, while others have decided to promote affordability outside of state requirements acknowledging that their accessory apartments, while affordable, will not be eligible for counting in the SHI.

For example, Wellfleet has an affordable accessory apartment bylaw that promotes the development of accessory units where tenants meet income requirements but owners are not required to enter into deed restrictions nor pick tenants from a Ready Renters List. The Town also has just recently initiated a new pilot initiative, the Affordable Accessory Dwelling Unit (AADU) Loan Program, to provide qualifying local property owners with assistance in creating affordable accessory rental units. The Wellfleet Town Meeting approved \$20,000 in Community Preservation funding to provide no interest loans which will be due as a balloon payment in 30 years or when the unit is no longer used as an affordable accessory unit, whichever comes first. The funding was meant to cover two to four loans to address outstanding health

and/or safety repairs in order to obtain special permit approval from the Zoning Board of Appeals for the accessory unit, however it is probable that the costs of improvements will be more than what is projected under the loan program. This loan program was developed by the Wellfleet Housing Authority (WHA) in conjunction with the Lower Cape Cod Community Development Corporation (Lower Cape Cod CDC) and was meant to support Wellfleet's existing effort to promote year-round rental units, providing another incentive for property owners to convert part of their residential or commercial properties to an affordable residential accessory unit. Wellfleet has also passed special legislation to offer tax exemptions on the portion of the property rented affordably.

*Next Steps:* In order to promote new accessory units the Town should consider amending its Zoning Bylaw as follows:

- Extend use to detached structures or separate additions;
- Eliminate the two-year renewal requirements;
- Extend availability to investor-owned properties; and
- Explore an amnesty program.

As mentioned above, there are many variations of accessory apartment bylaws that have been adopted in other communities. Dighton's Planning Board, working in conjunction with the Affordable Housing Committee or proposed Housing Trust, should explore other bylaws and work on an amendment that will best meet the needs of the community. Promoting accessory apartments, whether eligible for counting in the SHI or not, provides another housing choice for Dighton's elder residents and young people who cannot yet afford to buy a home or who could benefit greatly from some rental income.

*Timeframe:* Priority 2

*Responsible Party:* Planning Board in cooperation with the Affordable Housing Committee or proposed Housing Trust

*Resources Required:* The donated time of local officials and various Town boards and committees with support from a designated Town official or a consultant such as Attorney Marguerite Mitchell who has worked with the Town on a number of housing and land use matters.

*Projected # Affordable Units Produced:* This strategy is likely to promote units occupied by tenants earning at or below 80% of area median income and serve an important local need for more affordable year-round rental units. However, these units may not count as part of the Subsidized Housing Inventory unless owners choose to take tenants from the Ready Renters List and enter into a deed restriction.

#### **7. *Exempt Affordable Housing from Subdivision Phasing Bylaw***

*Current Status:* The Zoning Bylaw includes a provision for limiting the rate of development "so the town can study the impact of growth and plan accordingly".<sup>31</sup> The Planning Board can approve exceptions to this requirement by special permit if it determines that the probable benefits of the project outweigh the expected adverse impacts. There is, however, no mention of the inclusion of affordable housing as a benefit, instead stated benefits have more to do with reducing allowed densities and providing more open space.

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<sup>31</sup> Town of Dighton Zoning Bylaws, Section 2510.

*Next Steps:* Amend the bylaw to exempt developments with affordable units from the established growth limits.

*Timeframe:* Priority 2

*Responsible Party:* Planning Board

*Resources Required:* The donated time of members of the Planning Board with support from a designated Town official or a consultant.

*Projected # Affordable Units Produced:* These units are also counted under strategy VII.C.2.

#### **8. *Adopt a Duplex Development Bylaw***

*Current Status:* Dighton's current zoning bylaw does not allow the development of duplex housing or two-family homes. This dwelling type is conducive to a number of affordable housing options including:

- Side-by-side duplex units in either a one-story, two- or three-story configurations.
- One unit on top of the other, either as a rental in an owner-occupied property, two condos, or even two rentals managed by a non-profit organization or the Housing Authority.
- The rental unit in an owner-occupied property provides rental income that is calculated into the financial analysis for obtaining a mortgage, allowing lower income working households to purchase a home. This provides excellent starter housing while still providing a rental unit to further diversify the town's housing stock.
- These properties can be well designed to fit into existing neighborhoods and in some cases can resemble even larger single-family homes.

*Next Steps:* The Town should explore the adoption of a bylaw to allow duplex housing if at least one of the units is affordable and eligible for counting as part of the Subsidized Housing Inventory and meets other local conditions. There should be some consideration for allowing these units on smaller lots on a by-right basis.

*Timeframe:* Priority 2

*Responsible Party:* Zoning Board of Appeals in conjunction with the Planning Board

*Projected # Affordable Units Produced:* Units counted under strategy VII.C.2

#### **C. Housing Production Strategies**

While some of the units produced may rely on the participation of existing homeowners, most of the production will require joint ventures with developers – for profit and non-profit – to create affordable units. For example, competitive Requests for Proposals (RFP's) are necessary for the selection of developers of publicly-owned property. For profit developers continue to express interest in developing housing in Dighton, and there are also numbers of effective non-profit organizations that have successfully completed affordable housing developments in the Southeastern Massachusetts.

In addition to the active participation of the development community, it will be important for Dighton to seek support from state and federal agencies. In addition to the state's Department of Housing and Community Development (DHCD), other state and quasi-public agencies that have resources to support affordable and special needs housing include MassHousing, MassDevelopment, Department of Mental Retardation, Department of Mental Health, Community Economic Development Assistance Corp.

(CEDAC), Massachusetts Housing Partnership Fund, and Massachusetts Housing Investment Corporation (MHIC). (See Appendix 5 for a Summary of Housing Resources.) Regional resources should be considered as well including South Shore Housing Development Corporation (SSHDC), Pro-Home, Inc., and the Greater Attleboro-Taunton HOME Consortium. Because affordable housing is rarely developed without private financing, project developers will need to reach out to private lenders as well.

The following strategies provide the basic components for the Town to meet its housing production goals:

***I. Make Suitable Public Land Available for Affordable Housing***

*Current Status:* The contribution or “bargain sale” of land owned by public entities, including the Town and Housing Authority, but not essential for public purposes is a component of production goals and the Town has identified a list of potential publicly-owned parcels that might possibly be developed as affordable housing (see Section V.A. of this Plan for the list of properties under preliminary consideration). Final determination of the use of these parcels for affordable housing is subject to a more thorough feasibility analysis of site conditions and in the case of municipally-owned properties, Town Meeting approval.

In addition to currently owned Town parcels, the Town of Dighton may decide that it will acquire privately owned sites at some point in the future for the purposes of protecting open space and developing some amount of housing, including affordable housing, through cluster development on a portion of the sites. Smaller infill sites might be acquired as well to build affordable starter homes. Acquisitions could occur through the private housing market, through special negotiations with existing owners who are interested in selling their properties for a discounted price in exchange for tax advantages, or through the tax foreclosure process.

*Next Steps:* Where feasible, the Town should investigate the suitability of various Town-owned sites (see Section V.A) for development based on the knowledge of expertise of various Town staffpersons and support the costs of preliminary feasibility analyses where appropriate. Such analyses could be funded through Community Preservation funds if approved (see strategy VII.A.8) or potentially some state funding for predevelopment work. For Town-owned properties, approval will be required from the Board of Selectmen and Town Meeting to acquire and/or designate these parcels for housing development that includes affordable housing and perhaps other uses as well.

Because this strategy involves the use of publicly-owned property, it would be appropriate to maximize the public benefits by setting aside at least 50% of the units as affordable. This is likely to require multiple sources of public subsidies and the Town should select a developer that has substantial experience and expertise in this type of development.

Following the necessary approvals for the conveyance of Town-owned properties, the Town’s Chief Procurement Officer, working with a housing consultant, should prepare a Request for Proposals (RFP) to solicit interest from developers based on the Town’s specific project requirements and select a developer based also on identified criteria included in the RFP. Projects are likely to require densities or other regulatory relief beyond what is allowed under the existing Zoning Bylaw, and this might be obtained through normal regulatory channels, if community support is assured, or through the use of the “friendly” comprehensive permit process through DHCD’s Local Initiative Program (LIP) or other subsidizing agency. Additionally, the Town will need to be involved in working with the selected developer to secure the necessary financial, technical and political support. Evidence of municipal support is often critical when seeking financial or technical assistance from regional, state or federal agencies.

*Timeframe:* Priority 1

*Responsible Party:* Board of Selectmen with support from the Affordable Housing Committee or proposed Housing Trust

*Resources Required:* It would be useful to have professional support to coordinate this effort, working with the Town's Chief Procurement Officer to prepare a Request for Proposals and staff the developer selection process. Moreover, if the selected developer did not have the necessary capacity to undertake the marketing and lottery for the affordable units, the designated professional or other experienced consultant, agency or organization should be identified to perform these functions, with funding from the project budget to cover these costs.

Resources will also be required to help subsidize the development. Comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones. Many communities have used the "friendly" comprehensive permit process to take advantage of these internal subsidies, to create the necessary densities to make development feasible, and to make it easier to navigate the existing regulatory system. Other communities are finding that they require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish these objectives. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income households can afford, multiple layers of subsidies are often required to fill the gaps. Sometimes even Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

It is likely that a number of financial and technical resources will be required to produce affordable units in Dighton. Appendix 5 includes summaries of many of these programs but some are highlighted below.

- Predevelopment funding from state programs such as the Priority Development Fund, Smart Growth Technical Assistance Program, CEDAC, MHIC, Life Initiative, etc.
- Federal funding through the Greater Attleboro-Taunton HOME Consortium, administered by Taunton's Office of Economic and Community Development, for a range of affordable housing activities. The HOME Consortium involves the participation of 14 communities, including Dighton.
- Additional HOME Program financing of up to \$65,000 per unit administered through DHCD for a range of housing activities. These are competitive funding sources, and DHCD typically accepts proposals through two funding rounds per year. Possible federal financing through Low Income Housing Tax Credits to developers of affordable housing that provide significant equity into a development. The allocating agency is DHCD and there are typically two funding rounds per year. These funds are directed to rental properties solely and are extremely competitive.
- Section 202 federal financing to non-profit organizations for the development of rental housing targeted to very low-income seniors or those with disabilities.
- Affordable Housing Program grant funding from the Federal Home Loan Bank Board, applied through participating banks.
- Rental subsidies through the Project Based Section 8 Program or individual Section 8 vouchers (this program is administered through the state, Housing Authorities and regional non-profit organizations).
- Section 8 to Homeownership Program, enabling Section 8 subsidy recipients to access homeownership.
- Additional resources that are directed solely to first-time homebuyer projects to make homeownership more affordable including the Soft Second Loan Program, American Dream Downpayment Assistance Program and MassHousing First-Time Homebuyer financing.

- Financing from CEDAC to support innovative forms of affordable housing including SRO's, transitional housing, limited equity cooperatives, etc. and to preserve existing affordable housing developments.
- OneSource Loan Program is a streamlined financing program offered jointly by MHIC and Massachusetts Housing Partnership Fund offering construction and permanent financing in a single package.
- Other state funding programs such as the Affordable Housing Trust Fund, Housing Stabilization Fund, etc.

*Projected # Affordable Units Produced: 63 units*

## **2. Continue to Support Private Development in Line with Local Guidelines**

*Current Status:* With incentives created in the Zoning Bylaw to promote affordable housing (see Section VII.B), and with local policies that provide guidance to developers on what the Town would like to see with respect to new development (see strategy VII.B.2), the Town is in a good position to work cooperatively with developers, both for profit and non-profit, to guide new development that incorporates affordable units. This Housing Production Plan suggests that new provisions should be made to encourage the following types of housing:

- Mixed-use development in appropriate locations,
- Smaller infill housing on nonconforming lots,
- Small multi-family housing,
- The redevelopment of nonresidential properties into housing,
- Cluster development that is more in keeping with smart growth principles, and
- Small scattered sites, like those developed by Habitat for Humanity, when developed as affordable housing.

The Town has already begun to enter into discussions about possible opportunities such as past meetings on a preliminarily proposed 40R Smart Growth Overlay District for the old Raytheon property and more current discussions with a local property owner on the development of a sizable parcel.

Support for such development could be processed through normal regulatory channels when the projects are in basic compliance with existing zoning or could be handled through the “friendly” 40B process offered through the state’s Local Initiative Program (LIP) or 40R. Comprehensive permits have proven to be a useful tool in many communities for projects that require significant waivers of local zoning but meet local needs and priorities. Some of these projects have also incorporated more affordable units than those required under Chapter 40B. Key to the success of these new developments has been the partnership between the Town and the developer to build affordable housing, the infusion of Community Preservation funding (see strategy VII.A.8) or other subsidies including the Greater Attleboro-Taunton HOME Consortium funds and state-supported subsidy programs (see Appendix 5 for a summary of resources) to support the enhanced affordability of these developments and leverage other sources of financing, as well as the expertise of the developer in building affordable housing.

*Next Steps:* The Town should *reach out* to local developers who have been active in producing affordable housing in the area to discuss the Town’s interest in promoting these units, possible areas and opportunities for new development, local guidelines and priorities for new development (see strategy VII.B.2), and the prospects for working together in the future. This will be particularly useful after the Town has produced Affordable Housing Guidelines and has passed key zoning changes summarized in Section VII.B.

To effectively guide development, the Town should also establish a *process for reviewing* local development proposals in their early conceptual stages to provide useful feedback to developers on preliminary plans. The Town should therefore identify a particular municipal entity, such as the Affordable Housing Committee or proposed Housing Trust, to oversee this review and bring in professional expertise, such as through the attorney Marguerite Mitchell, to staff the review process and work with the developer throughout the project planning and the regulatory processes.

*Timeframe:* Priority 2

*Responsible Party:* Affordable Housing Committee or proposed Housing Trust

*Resources Required:* Representatives of the Affordable Housing Committee or proposed Housing Trust should take the lead in reaching out to affordable housing developers and the local proposal review process, working with developers on the “friendly” 40B process where appropriate. The support of a consultant would be extremely useful.

*Projected # Affordable Units Produced:* 89 affordable units

### **3. *Convert Existing Housing Units to Affordability***

*Current Status:* Dighton should not overlook the potential of working on strategies to not only preserve the affordability of the existing housing stock but to, when possible, convert existing market units to state-defined “affordable” ones, thus insuring the long-term affordability of existing units.

There are a variety of program strategies that provide affordability by focusing on existing dwelling units rather than new ones. They have the potential of being helpful in expanding the affordable housing stock, though Dighton’s elevated prices are a challenge. Examples include:

- Homebuyer Assistance Programs: Provision of subsidies to qualified first-time homebuyers to fill the gap between the market purchase price and the affordable price that is allowed under the state’s Local Initiative Program (LIP). Several towns have also adopted such assistance programs. For example, the Town of Chatham has introduced the First Time Homebuyers Assistance Program that uses up to \$60,000 in CPA funds per household to fill the gap between the market price of a home and the affordable purchase price as allowed under the state’s Local Initiative Program (LIP). Purchasers are pre-qualified through the Program before they are able to search in the private housing market for a qualifying home and deed restrictions are required. Purchasers are also required to attend first-time homebuyer classes and encouraged to explore more affordable mortgage financing such as the state’s Soft Second Loan Program. The Chatham Housing Authority administers the Program. Comparable programs are also available in Marshfield, Acton, Cambridge, Newton, and Bourne, largely subsidized through Community Preservation funding. Most of these efforts have been recently implemented.
- Buy-downs: Purchase of two-family structures or other housing types, renting or reselling one (or possibly both/several) of the units subject to a deed restriction that assures permanent affordability. Buy-down programs have proven to be viable strategies in a number of communities including the Sandwich Home Ownership Program (SHOP) implemented several years ago that produced seven (7) affordable housing units under the coordination of the Housing Assistance Corporation (HAC), the Cape’s regional non-profit housing organization. This work is usually coordinated by a non-profit housing organization and has also been implemented in Cambridge, Newton, Bedford and Arlington, for example. Another example of this basic type of program is that used by the non-profit organization, Pro-Home, Inc., to acquire tax delinquent and abandoned properties through a special program administered by the state’s Attorney General’s



office. Once acquired, the homes are renovated and sold to first-time homebuyers, meeting all requirements under the state's Local Initiative Program (LIP) and thus eligible for inclusion in the Subsidized Housing Inventory.

- Equity Conversion Homeownership Programs (ECHO – also known as Affordable Deed Restriction Programs): Purchase of a restriction on housing occupied by an income-eligible senior or other lower income household, providing public assurance (deed restriction) that the house when resold will remain affordable and offering residents cash for rehab plus an annuity or lump-sum subsidy. While ECHO initiatives have been popular in communities, including Bedford, Marion, and Westport, for example, which provided set-asides of funding; there have not been any affordable units created through this strategy to date. The Town of Stow indicates that it has interested participants but its program design has been under review by DHCD for months.



*Next Steps:* The Town should review these models and determine which makes the most sense in Dighton. It should then prepare an implementation plan that outlines program procedures and the respective roles and responsibilities of various municipal staff persons and boards and committees. The focus of such an initiative should be those housing units that are most affordable in Dighton's private housing market to minimize the amount of subsidy required to fill the gap between the purchase price and any costs of improvements and the affordable rents or purchase prices. Smaller homes in North Dighton, for example and as noted in the above photo, might be reasonable targets, or the more limited but affordable condo market. HOME funding from the Greater Attleboro-Taunton HOME Consortium (GATHC) might be allocated to the program to provide the necessary subsidies and Community Preservation funding, if passed (see strategy VII.A.8) would also be an effective subsidy, allowing the Town to step-up its efforts in this area.

*Timeframe:* Priority 2

*Responsible Party:* Affordable Housing Committee or proposed Housing Trust

*Resources Required:* Some professional staff time from a consultant (potentially paid through CPA funds) to prepare an implementation strategy and oversee project operations.

*Projected # Affordable Units Produced:* 4 units

#### **4. Promote Accessory Apartments**

*Current Status:* If the Town determines that it wants to better promote accessory apartments and amend its existing bylaw, it would be helpful to coordinate an effort to encourage its use and oversee any new requirements.

*Next Steps:* Following the approval of a revised zoning bylaw related to accessory apartments, the Affordable Housing Committee or proposed Housing Trust should insure that existing property owners have information on new requirements and provide necessary support to insure compliance with these changes.

*Timeframe:* Priority 2

*Responsible Party:* Affordable Housing Committee or proposed Housing Trust.

*Resources Required:* Some donated time of local leaders to determine local policies with respect to accessory apartments and professional staff time for implementation from a designated municipal official or a consultant (potentially paid through CPA funds in the future – see strategy VII.A.8) to prepare an implementation strategy and oversee project operations.

*Projected # Affordable Units Produced:* This strategy will promote units occupied by tenants earning at or below 80% of area median income and serve an important local need for more affordable year-round rental units. However, these units may not count as part of the Subsidized Housing Inventory unless the Town requires compliance with new state guidelines with respect to affordable accessory apartments as part of its new bylaw (see strategy VII.B.6).

#### **5. Encourage Adaptive Reuse**

*Current Status:* The reuse of any abandoned, underutilized, or obsolete property could enable Dighton to direct growth towards already developed locations thus reducing the development of land in areas without existing infrastructure. It would also be a way of preserving and/or restoring unique architecture in the community, which can also be of historical significance.

The Town has begun to identify underutilized nonresidential properties for potential conversion to affordable housing through various options including but not limited to Single Room Occupancy Units (SRO's), congregate and/or special needs housing, rental housing and first-time homeownership. Depending upon the structure, adaptive reuse can be amenable to mixed-use and mixed-income development. For example, former industrial properties would be likely targets for redevelopment, potentially including mixed uses and mixed income residency.

*Next Steps:* Continue to identify an inventory of such properties that might be purchased, rehabilitated and converted to residential use and then attract interested for profit or non-profit developers to undertake development. It might also be possible to acquire such properties through tax taking, donation, negotiation, distress sale, and bank foreclosure, or brownfields remediation through the proposed Housing Trust and convey to a developer selected through an RFP process. Such redevelopment projects also are particularly adaptable to the use of 40R/40S that involves

Smart Growth Overlay Districts (see Appendix 5 for details). Possible targets for redevelopment include the old North Dighton Post Office and local factory buildings.

*Timeframe:* Priority 2

*Responsible Party:* Affordable Housing Committee or the proposed Housing Trust

*Resources Required:* The Affordable Housing Committee or proposed Housing Trust should continue to identify possible properties and ultimately work try to find partners to develop them. Predevelopment funding from DHCD's Priority Development Fund, EOE's Smart Growth TA Fund, CEDAC, MHIC or other agency should be explored to support project planning if CPA funds are not available.

*Projected # Affordable Units Produced:* 8 units (4 of these units counted under strategy VII.C.1)

#### **D. Housing Preservation**

Housing production is critical, but the Town also needs to be concerned that it supports lower income residents in accessing important housing resources to maintain their properties.

##### ***I. Help Qualifying Homeowners Access Housing Assistance***

*Current Status:* Some town residents, including seniors living on fixed incomes, are finding it increasingly difficult to afford the costs associated with rising taxes, energy costs, insurance and home improvements. Additionally, some seniors and those with special needs require handicapped adaptations and repairs to help them remain in their homes. Dighton residents might also benefit from technical and financial support in the case of septic failures and Title V compliance issues. Increasingly, homeowners are confronting the risk of foreclosure, particularly those who financed their homes through subprime predatory lenders, and are looking for ways to hold onto their homes.

There are existing programs available to help property owners with these needs. For example, Citizens for Citizens, Inc., the area's community action agency (offices in Taunton and Fall River) provides the following programs to qualifying property owners:

- *Fuel Assistance Program*  
Assists eligible households in paying their heating bills during the winter season or until all benefits are exhausted through federal funding. Eligibility is based on federal criteria related to annual gross income, family size and annual heat consumption.
- *Weatherization Assistance Program*  
A federally-funded program to help qualifying property owners make energy-efficient home improvements. Most households that receive fuel assistance also qualify for this program.
- *Heating Assistance Program (Heart WAP)*  
An emergency repair program for households receiving fuel assistance that require the repair or replacement of their heating system.

There are also a range of programs available in Dighton that are offered by MassHousing and other organizations, applied through either a participating agency or lender including:

- *Housing Renovation Program*  
HOME Program funding is also provided by GATCH to assist qualifying homeowners in making necessary home repairs including lead paint and asbestos abatement, energy upgrades, roofing and siding improvements, door and window replacement, American Disabilities Act home

modifications, and general interior repairs. Financing is provided through a non-forgivable, no interest, nonamortizing loan that involves no monthly payments but is due and repayable upon sale or transfer of the property. All loans are secured as a mortgage against the property. Residences ranging from single to seven (7) units can qualify for assistance. Rental units are subject to rent limits upon completion. The Program is administered by Taunton's Office of Economic and Community Development, which not only provides program oversight but also offers trained Rehabilitation Specialists to inspect the properties and determine the scope of the work and costs involved. These Specialists are also available to oversee the bidding and construction process.

- *Home Improvement Loan Program*  
Provides a 5%, 5 to 15-year term loan to qualifying homeowners, the amounts ranging from \$5,000 to \$50,000. Loans are available through participating lenders, the most proximate being Lafayette Federal Savings Bank (Fall River), South Shore Cooperative Bank (Weymouth), South Shore Savings Bank (S. Weymouth), Sovereign Bank (E. Providence), and St. Anne's Credit Union (Fall River). Income limits are \$92,000 for one and two-person households and \$104,000 for larger households. One to four-family dwellings and condominiums are eligible for these loans.
- *Get the Lead Out*  
With funding from MassHousing, this Program provides low-cost financing to owners of 1-4 family properties to remove lead and reduce the possibility of lead poisoning in children. The closest participating agency is Taunton's Office of Economic and Community Development (OEDC). Interest rates range from 0% to 3% for owner-occupants, 0% for non-profit organizations, and 5% for investor-owners.
- *Septic System Repair Program*  
Provides 0% to 5% interest loans ranging from \$1,000 to \$25,000 to improve failing septic systems. Loan terms vary from 3 to 20 years. These loans are accessed through participating lenders including the Bank of Fall River, Bridgewater Savings Bank, Citizens Union Savings Bank, Foxboro Federal Savings, Lafayette Federal Savings Bank, South Shore Savings Bank, St. Anne's Credit Union, and Taunton Federal Credit Union. Applications are available through Taunton's Office of Economic and Community Development which will then help direct applicants through the prescribed process to secure financing.
- *Home Saver Foreclosure Prevention Program*  
This program offers assistance to those who are at risk of losing their home through foreclosure. Participants must initially contact the Homeownership Preservation Foundation to talk to a counselor and may be referred to a local counseling agency as well as a participating lender to obtain a loan. There are a number of participating lenders including Bridgewater Savings Bank, Rockland Trust Company, Eastern Bank and Harbor One Credit Union. Pro-Home also provides foreclosure prevention counseling.

South Shore Housing Development Corporation, the region's non-profit housing organization, also administers programs for prospective homebuyers including downpayment and closing cost assistance as well as counseling services. It also offers the *Home Modification Loan Program* that offers financial assistance to persons seeking to make home modifications to improve accessibility for the physically disabled. Interest rates range from 0% (families at or below median income) to 3% (families earning between 100% and 200% of area median) and loan amounts from \$1,000 to \$25,000.

Summaries of these programs are included in Appendix 5.

*Next Steps:* Through the community educational campaign recommended in Section VII.A.1, important information on housing improvement resources could be disseminated to real estate professionals, local

organizations and community residents. The Town, through its Council on Aging and Housing Authority should provide the necessary education and referrals to programs sponsored by Citizens for Citizens, Pro-Home, South Shore Housing and MassHousing for example, which provide low-cost financing for repair needs including de-leading, septic systems, weatherization and other home improvements.

*Timeframe:* Priority 1

*Responsible Party:* Dighton Housing Authority, Council on Aging and local Veterans Agent

*Resources Required:* Donated time of volunteers or some limited staff time from appropriate Town employees.

*Projected # Affordable Units Produced:* The available home repair programs provide needed assistance, helping seniors and others with special needs remain independent in their homes, however, these programs typically do not include the necessary requirements to enable properties to be included in the SHI.

## Appendix 1

### Local and Regional Housing Organizations

The Town of Dighton has a number of local and regional agencies and organizations available to help support the production of affordable housing or provide housing-related services:

- *Dighton Affordable Housing Committee*  
The Board of Selectmen established the Dighton Affordable Housing Committee in 2006 to oversee the preparation of this Housing Production Plan.
- *Dighton Housing Authority*  
The Dighton Housing Authority owns 64 units of subsidized housing for the elderly and handicapped at Lincoln Village and another eight (8) units of special needs housing. Waits for the units at Lincoln Village are typically within six (6) months for Dighton residents and up to a year for nonresidents. There are currently 23 applicants on the wait list, none who are Dighton residents. On an average there are about a dozen units that turnover in any given year. Waits are much longer for the nine (9) units at Lincoln Village for disabled individuals under the age of 60, where wait times can extend for more than five (5) years.
- *Dighton Council on Aging*  
The Dighton Council on Aging is a Town department that provides services to support the quality of life of Dighton elders through a wide variety of services including the operation of Prime Time, the Senior Center located in the rear of Town Hall, that offers social programs for seniors, an information and referral service on a wide range of issues, and other special programs to support area seniors. The Council relies heavily on local volunteers for support.

The Council on Aging receives many inquiries from area seniors are related to housing, most regarding difficulties finding alternative and affordable living options in town beyond their single-family homes or the small apartments offered at Lincoln Village. Some seniors want to downsize and find housing without maintenance requirements and closer to other empty nesters in the community. Other elders are encountering difficulties affording to remain in their current homes and cannot locate alternative housing that is affordable, particularly if they require supportive services. There has also been some local interest in learning more about reverse mortgages, and the Council on Aging held an information session on this financing alternative.

In regard to support services, there is one rest home in Dighton, and a number of residents seek alternatives outside of the Town such as Life Care of Raynham. Additionally, the Council on Aging indicates that many seniors in Dighton rely on GATRA Dial a Ride transportation service.

- *Greater Attleboro-Taunton HOME Consortium*  
The Greater Attleboro-Taunton HOME Consortium was established in 2004 to provide federal HOME Program funding through the Department of Housing and Urban Development (HUD) for the fourteen participating communities, including Dighton, to create affordable housing, help first-time homebuyers, and assist lower income homeowners, particularly elders, in maintaining their homes. The Consortium receives approximately \$900,000 annually. Taunton's Office of Economic and Community Development administers program funding for the Consortium.

- *Pro-Home, Inc.*  
 Pro-Home, Inc. is a private, non-profit organization that provides a range of services in support of affordable housing. Taunton's Office of Economic and Community Development subcontracts with Pro-Home to run housing counseling programs, including series of workshops for first-time homebuyers, pre-purchase and post-purchase counseling, as well as money management and foreclosure prevention counseling. Other special projects include a "counselor online" program, supported by Fannie Mae and Bridgewater Savings Bank that answers questions on the Internet, and the Equity Builders Grant Program that provides down payment and closing cost assistance through the Federal Home Loan Bank Board. The organization has also been involved in housing development and has completed several units of affordable housing and has a number of additional projects in the pipeline. Pro-Home is looking to expand its development activities to other interested communities affiliated with the Greater Attleboro-Dighton HOME Consortium.
- *Arc of Northern Bristol County*  
 The Arc of Northern Bristol County provides a wide range of services to individuals with developmental disabilities including residential services and new housing.
- *Associates for Human Services, Inc.*  
 Associates for Human Services, Inc. is a private, non-profit organization focused on providing support services for children, adults, and seniors experiencing developmental delays and/or disabilities, economic disadvantage or educational risk factors. The organization provides a range of support services to enable those with disabilities to "achieve equality, dignity and independence," including residential services. Associates for Human Services currently operates a group home in Dighton.
- *Citizens for Citizens, Inc.*  
 Citizens for Citizens, Inc., originally the Fall River Community Action Agency, is the area's community action agency that was established in 1964 to serve a wide range of education, housing, health and service needs of low-income and disadvantaged area residents. The organization is based in Fall River but has expanded to serve residents of other communities including Dighton. Programs include Fuel Assistance, Head Start, and other services directed to area families.
- *Catholic Social Services*  
 Catholic Social Services is part of a national network of charitable social service agencies affiliated with the Catholic Church. Based in Fall River, the organization provides a wide range of services within southeastern Massachusetts including the management functions of Samaritan House, the 21-bed emergency shelter for single individuals located in Taunton.
- *Community Care Services*  
 Community Care Services is a private, non-profit organization that provides emotional, educational and behavioral support to more than 10,000 children, adults, elders and families each year in Southeastern Massachusetts and Rhode Island. The organization provides counseling, education, and transportation services but also offers residential services to its clients. It is currently exploring the development of a safe house for those confronting domestic violence in Dighton.

- *Community Counseling of Bristol County*  
The Community Counseling of Bristol County is a private non-profit organization that provides a mix of mental health and substance abuse services on an outpatient basis and also develops service-enriched housing from transitional housing to permanent supportive housing.
- *Greater Attleboro-Taunton Coalition for the Homeless (GATCH)*  
The Greater Attleboro-Taunton Homeless Coalition (GATCH) is comprised of health, social and human service organizations to provide a network of comprehensive services from identifying a homeless individual to providing shelter, counseling, job training and eventually permanent housing to the homeless. The Coalition is led by the United Way of Greater Attleboro-Taunton and represents the communities of Attleboro, Berkley, Dighton, Mansfield, North Attleboro, Norton, Raynham, Rehoboth, Seekonk and Taunton. It helped form the HOME Consortium that secured federal funding for the participating cities and towns of approximately \$900,000 annually. It also coordinated a response to the ongoing fiscal crisis of the area's emergency shelter, Samaritan House in Taunton, to keep it open and provide case management. Another effort involved leveraging funding from the United Way to obtain federal and state grants to fund the Family Transitional Housing Program operated by Community Counseling of Bristol County.

The organization also serves as the area's Continuum of Care, providing a continuum of support from emergency shelters through to transitional housing and ultimately to permanent housing. Altogether, almost \$4 million in HUD McKinney funding has been provided to the Continuum since 1998 to support 53 beds in emergency shelters, 128 beds in transitional facilities, and another 59 units in permanent supportive housing. Another 12 beds/units are in the process of development. The United Way of Greater Attleboro-Taunton leads the Continuum. A planning effort is currently underway to establish strategies to end homelessness in the next ten years.

- *Greater Attleboro-Taunton HOME Consortium (GATHC)*  
The Greater Attleboro-Taunton Coalition for the Homeless (GATCH) was instrumental in forming this HOME Consortium, one of several such consortiums of communities in the country that provide federal HOME Program funding to support a variety of affordable housing activities. GATHC includes 14 communities, including Dighton, and is administered by the City of Taunton's Office of Economic and Community Development (OECD). HOME funding is available through the consortium to any participating community to help subsidize affordable housing development, make home improvements (through OECD's Housing Renovation Program), and promote homeownership (through Pro-Home's programs). Annual funding has been approximately \$900,000.
- *Habitat for Humanity*  
Habitat for Humanity is an ecumenical, non-profit Christian ministry dedicated to building simple, decent homes in partnership with families in need. The organization has grown over the past two decades into one of the largest private homebuilders in the world with almost 1,600 U.S. affiliates and over 2,000 affiliates worldwide, including several in relatively close proximity to Dighton including Attleboro, Fall River and Providence, that have been able to build new homes for first-time homebuyers through donated land, materials, labor and funding as well as other special financing strategies. To date, there have been no habitat-sponsored houses built in Dighton.
- *New Hope, Inc.*  
New Hope, Inc. is an organization dedicated to ending domestic violence and providing a range of services to victims of such violence and their families. New Hope has received



federal McKinney funding to provide supportive housing for its clients including permanent supportive housing through its Housing First project.

- *Southeastern Regional Planning and Economic Development District (SRPEDD)*  
Southeastern Regional Planning and Economic Development District (SRPEDD) is one of the state's regional planning agencies serving southeastern Massachusetts to help plan for the expansion of economic opportunity, protection of natural and historic resources, and the development of physical and cultural amenities. The agency provides a range of activities to area towns and cities including research, technical assistance, preparation of bylaws and ordinances, and plan preparation in the areas of transportation, comprehensive planning and economic development.
- *South Shore Housing Development Corporation (SSHDC)*  
South Shore Housing Development Corporation (SSHDC) is committed to enhancing the quality of life for low- and moderate-income people by providing decent, safe and affordable housing; helping families move forward toward economic and social independence; and assisting individuals in reconnecting within their respective communities. This regional non-profit housing development corporation was established in 1970 to serve Bristol and Plymouth Counties, including the Town of Dighton. The organization has expanded its housing services over the past decades to include rental assistance, new housing development, property management, homeless assistance, housing rehabilitation, and counseling and education. In regards to Dighton specifically, it is a sponsor of the Dighton Woods development. Moreover, the organization currently manages 1,700 Section 8 housing vouchers to subsidize the rent of qualifying low-income households in Plymouth and Bristol Counties and operates a wide range of supportive housing services.
- *United Way of Greater Attleboro/Taunton*  
In addition to the traditional funding initiatives operated by United Ways throughout the country, the United Way of Greater Attleboro/Taunton has taken the lead in serving as the Greater Attleboro-Taunton Coalition for the Homeless (GATCH) which also serves as the area's Continuum of Care (see summary of GATCH above).

## **Appendix 2**

### **Glossary of Housing Terms**<sup>32</sup>

#### **Affordable Housing**

A subjective term, but as used in this Plan, refers to housing available to a household earning no more than 80% of area median income at a cost that is no more than 30% of total household income.

#### **Area Median Income (AMI)**

The estimated median income, adjusted for family size, by metropolitan area (or county in nonmetropolitan areas) that is adjusted by HUD annually and used as the basis of eligibility for most housing assistance programs. Sometimes referred to as “MFI” or median family income.

#### **Chapter 40B**

The state’s comprehensive permit law, enacted in 1969, established an affordable housing goal of 10% for every community. In communities below the 10% goal, developers of low- and moderate-income housing can seek an expedited local review under the comprehensive permit process and can request a limited waiver of local zoning and other restrictions, which hamper construction of affordable housing. Developers can appeal to the state if their application is denied or approved with conditions that render it uneconomic, and the state can overturn the local decision if it finds it unreasonable in light of the need for affordable housing.

#### **Chapter 44B**

The Community Preservation Act Enabling Legislation that allows communities, at local option, to establish a Community Preservation Fund to preserve open space, historic resources and community housing, by imposing a surcharge of up to 3% on local property taxes. The state provides matching funds from its own Community Preservation Trust Fund, generated from an increase in certain Registry of Deeds’ fees.

#### **Comprehensive Permit**

Expedited permitting process for developers building affordable housing under Chapter 40B “anti-snob zoning” law. A comprehensive permit, rather than multiple individual permits from various local boards, is issued by the local zoning boards of appeals to qualifying developers.

#### **Department of Housing and Community Development (DHCD)**

DHCD is the state’s lead agency for housing and community development programs and policy. It oversees state-funded public housing, administers rental assistance programs, provides funds for municipal assistance, and funds a variety of programs to stimulate the development of affordable housing.

#### **Fair Housing Act**

Federal legislation, first enacted in 1968, that provides the Secretary of HUD with investigation and enforcement responsibilities for fair housing practices. It prohibits discrimination in housing and lending based on race, color, religion, sex, national origin, handicap, or familial status. There is also a Massachusetts Fair Housing Act, which extends the prohibition against discrimination to sexual orientation, marital status, ancestry, veteran status, children, and age. The state law also prohibits discrimination against families receiving public assistance or rental subsidies, or because of any requirement of these programs.

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<sup>32</sup> Heudorfer, Bonnie, “Taking the Initiative: A Guidebook on Creating Local Affordable Housing Strategies”, Citizens Housing and Planning Association with funding from the Massachusetts Housing Partnership Fund, November 2002.

**Inclusionary Zoning**

A zoning ordinance or bylaw that requires a developer to include affordable housing as part of a development or contribute to a fund for such housing.

**Infill Development**

The practice of building on vacant or undeveloped parcels in dense areas, especially urban and inner suburban neighborhoods. Promotes compact development, which in turn allows undeveloped land to remain open and green.

**Local Initiative Program (LIP)**

A state program under which communities may use local resources and DHCD technical assistance to develop affordable housing that is eligible for inclusion on the state Subsidized Housing Inventory (SHI). LIP is not a financing program, but the DHCD technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. At least 25% of the units must be set-aside as affordable to households earning less than 80% of area median income.

**MassHousing (formerly the Massachusetts Housing Finance Agency, MHFA)**

A quasi-public agency created in 1966 to help finance affordable housing programs. MassHousing sells both tax-exempt and taxable bonds to finance its many single-family and multi-family programs.

**Metropolitan Statistical Area (MSA)**

The term is also used for CMSAs (consolidated metropolitan statistical areas) and PMSAs (primary metropolitan statistical areas) that are geographic units used for defining urban areas that are based largely on commuting patterns. The federal Office of Management and Budget defines these areas for statistical purposes only, but many federal agencies use them for programmatic purposes, including allocating federal funds and determining program eligibility. HUD uses MSAs as its basis for setting income guidelines and fair market rents.

**Mixed-Income Housing Development**

Development that includes housing for various income levels.

**Mixed-Use Development**

Projects that combine different types of development such as residential, commercial, office, industrial and institutional into one project.

**Overlay Zoning**

A zoning district, applied over one or more other districts that contains additional provisions for special features or conditions, such as historic buildings, affordable housing, or wetlands.

**Public Housing Agency (PHA)**

A public entity that operates housing programs: includes state housing agencies (including DHCD), housing finance agencies and local housing authorities. This is a HUD definition that is used to describe the entities that are permitted to receive funds or administer a wide range of HUD programs including public housing and Section 8 rental assistance.

**Regional Non-Profit Housing Organizations**

Regional non-profit organizations include nine private, non-profit housing agencies, which administer the Section 8 Program on a statewide basis, under contract with DHCD. Each agency serves a wide geographic region. Collectively, they cover the entire state and administer over 15,000 Section 8

vouchers. In addition to administering Section 8 subsidies, they administer state-funded rental assistance (MRVP) in communities without participating local housing authorities. They also develop affordable housing and run housing rehabilitation and weatherization programs, operate homeless shelters, run homeless prevention and first-time homebuyer programs, and offer technical assistance and training programs for communities. South Shore Housing Development Corporation serves as Dighton's regional non-profit organization.

#### **Regional Planning Agencies (RPAs)**

These are public agencies that coordinate planning in each of thirteen regions of the state. They are empowered to undertake studies of resources, problems, and needs of their districts. They provide professional expertise to communities in areas such as master planning, affordable housing and open space planning, and traffic impact studies. With the exception of the Cape Cod and Nantucket Commissions, however, which are land use regulatory agencies as well as planning agencies, the RPAs serve in an advisory capacity only. The Southeastern Regional Planning and Economic Development District (SRPEDD) serves as Dighton's regional planning agency.

#### **Request for Proposals (RFP)**

A process for soliciting applications for funding when funds are awarded competitively or soliciting proposals from developers as an alternative to lowest-bidder competitive bidding.

#### **Section 8**

Refers to the major federal (HUD) program – actually a collection of programs – providing rental assistance to low-income households to help them pay for housing. Participating tenants pay 30% of their income (some pay more) for housing (rent and basic utilities) and the federal subsidy pays the balance of the rent. The Program is now officially called the Housing Choice Voucher Program.

#### **Smart Growth**

The term used to refer to a rapidly growing and widespread movement that calls for a more coordinated, environmentally sensitive approach to planning and development. A response to the problems associated with unplanned, unlimited suburban development – or sprawl – smart growth principles call for more efficient land use, compact development patterns, less dependence on the automobile, a range of housing opportunities and choices, and improved jobs/housing balance.

#### **Subsidy**

Typically refers to financial assistance that fills the gap between the costs of any affordable housing development and what the occupants can afford based on program eligibility requirements. Many times multiple subsidies from various funding sources are required, often referred to as the “layering” of subsidies, in order to make a project feasible. In the state's Local Initiative Program (LIP), DHCD's technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. Also, “internal subsidies” refers to those developments that do not have an external source(s) of funding for affordable housing, but use the value of the market units to “cross subsidize” the affordable ones.

#### **Subsidized Housing Inventory (SHI)**

This is the official list of units, by municipality, that count toward a community's 10% goal as prescribed by Chapter 40B comprehensive permit law.

#### **U.S. Department of Housing and Urban Development (HUD)**

The primary federal agency for regulating housing, including fair housing and housing finance. It is also the major federal funding source for affordable housing programs.

## **APPENDIX 3**

### **Summary of Comments from Public Forum February 21, 2008**

Following a welcome by Jim Howland from the Dighton Affordable Housing Committee, the project consultant, Karen Sunnarborg, presented an overview of the Housing Needs Assessment and addressed questions. This conversation naturally moved to recommendations from those attending the forum on what the Town should do to more proactively support affordable housing, particularly in light of local concerns and challenges. Forum participants offered these potential strategies for promoting affordable housing in Dighton:

- Need starter homes.
- Convey Town-owned property for the development of clustered or infill housing that includes affordable housing. Dighton's Land Use Committee is currently reviewing the inventory of Town-owned property and the Affordable Housing Committee needs to be brought into this process.
- Consider the redevelopment of existing factory buildings/adaptive reuse.
- Look for a mix of rental and homeownership development to meet various local needs.
- Pursue the development of small multi-family housing.
- Revisit the Zoning Bylaw and make appropriate changes – existing Bylaw is 30 to 40 years old.
- Adopt inclusionary zoning.
- Need more flexible zoning with incentives for including affordable housing and tweak the existing conservation subdivision bylaw accordingly.
- Look to how you can create real neighborhoods and the strong community connections that result from more densely built neighborhoods.
- Promote more amenities in larger developments.
- Tap into the Greater Attleboro-Taunton HOME Consortium for subsidies.
- Encourage mixed-use development in appropriate locations such as along Routes 44 and 138, which will involve rezoning. This can help build villages with greater opportunities for business development.
- Promote live-work space, once again promoting more business activity in Dighton.
- Work cooperatively with developers of private property on “friendly” 40B projects. For example, one developer who was present owns property on Somerset Avenue and is interested in working with the Town on its development. The Town owns a parcel that is adjacent to this property and there may be opportunities to combine the parcels into one development.
- Consider land swaps where feasible.

**APPENDIX 4**  
**Summary of Housing Strategies**

Actions	Priority for Implementation		# Affordable Units	Responsible Party**
	Priority 1	Priority 2		
<b>Capacity Building Strategies</b>				
1. Conduct ongoing educational campaign	X		*	AHC/HP
2. Secure professional support	X		*	BOS/AHC/HP
3. Create Municipal Affordable Housing Trust	X		*	BOS/AHC
4. Access housing resources	X		*	BOS/AHC/HT
5. Create property inventory	X		*	BOS
6. Encourage training for board and committee members	X		*	BOS
7. Apply for Commonwealth Capital	X		*	BOS
8. Promote approval of CPA	X		*	BOS
<b>Planning and Regulatory Strategies</b>				
1. Adopt inclusionary zoning	X		*	PB
2. Adopt Housing Guidelines	X		*	ZBA/PB/AHC/HP
3. Encourage more flexible cluster zoning		X	*	PB
4. Allow starter housing on nonconforming lots		X	*	ZBA/PB
5. Promote mixed-use development		X	*	PB
6. Modify accessory apartment bylaw		X	*	PB/AHC/HT
7. Exempt affordable housing from subdivision phasing bylaw		X	*	PB
8. Adopt duplex development bylaw		X	*	ZBA/PB
<b>Housing Production Strategies</b>				
1. Make suitable public land available for affordable housing	X		63	BOS/AHC/HT
2. Support private development in line with local guidelines	X		89	AHC/HT
3. Convert existing housing to affordability		X	4	AHC/HT
4. Promote accessory apartments		X	0	AHC/HT
5. Encourage adaptive reuse		X	8 ( 4 also counted under Town-owned property)	AHC/HT

Housing Preservation Strategies				
1. Help qualifying homeowners access housing assistance	X		*	HA/COA

*\* Indicates actions for which units are counted under other specific housing production strategies, have an indirect impact on production, or do not add to the Subsidized Housing Inventory.*

**\*\*Abbreviations**

Board of Selectmen = BOS

Planning Board = PB

Affordable Housing Committee = AHC

Proposed Housing Trust = HT

Housing Authority = HA

Council on Aging = COA

## APPENDIX 5

### Summary of Housing Regulations and Resources

#### I. SUMMARY OF HOUSING REGULATIONS

##### A. Chapter 40B Comprehensive Permit Law

The Massachusetts Comprehensive Permit Law, Chapter 40B Sections 20-23 of the General Laws, was enacted as Chapter 774 of the Acts of 1969 to encourage the construction of affordable housing throughout the state, particularly outside of cities. Often referred to as the Anti-Snob Zoning Act, it requires all communities to use a streamlined review process through the local Zoning Board of Appeals for “comprehensive permits” submitted by developers for projects proposing zoning and other regulatory waivers and incorporating affordable housing for at least 25% of the units. Only one application is submitted to the ZBA instead of separate permit applications that are typically required by a number of local departments as part of the normal development process. Here the ZBA takes the lead and consults with the other relevant departments (e.g., building department, planning department, highway department, fire department, sanitation department, etc.) on a single application. The Conservation Commission retains jurisdiction under the Wetlands Protection Act and Department of Environmental Protection, the Building Inspector applies the state building code, and the Board of Health enforces Title V.

For a development to qualify under Chapter 40B, it must meet all of the following requirements:

- Must be part of a “subsidized” development built by a public agency, non-profit organization, or limited dividend corporation.
- At least 25% of the units in the development must be income restricted to households with incomes at or below 80% of area median income and have rents or sales prices restricted to affordable levels income levels defined each year by the U.S. Department of Housing and Urban Development.
- Restrictions must run for minimum of 30 years or longer for new construction or for a minimum of 15 years or longer for rehabilitation. Alternatively, the project can provide 20% of the units to households below 50% of area median income. Now new homeownership must have deed restrictions that extend in perpetuity.
- Development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.
- Project sponsors must meet affirmative marketing requirements.

According to Chapter 40B regulations, the ZBA decision to deny or place conditions on a comprehensive permit project cannot be appealed by the developer if any of the following conditions are met<sup>33</sup>:

- The community has met the “statutory minima” by having at least 10% of its year-round housing stock affordable as defined by Chapter 40B, at least 1.5% of the community’s land area includes affordable housing as defined again by 40B, or annual affordable housing construction is on at least 0.3% of the community’s land area.
- The community has made “recent progress” adding SHI eligible housing units during the prior 12 months equal at least to 2% of its year-round housing.
- The community has a one- or two-year exemption under Planned Production.

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<sup>33</sup> Section 56.03 of the new Chapter 40B regulations.



- The application is for a “large project” that equals at least 6% of all housing units in a community with less than 2,500 housing units.
- A “related application” for the site was filed, pending or withdrawn within 12 months of the application.

If a municipality does not meet any of the above thresholds, it is susceptible to appeals by comprehensive permit applicants of the ZBA’s decision to the state’s Housing Appeals Committee (HAC). This makes the Town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.<sup>34</sup> Recently approved regulations add a new requirement that ZBA’s provide early written notice (within 15 days of the opening of the local hearing) to the application and to DHCD if they intend to deny or condition the permit based on the grounds listed above that make the application appeal proof, providing documentation for its position. Under these circumstances, municipalities can count projects with approved comprehensive permits that are under legal approval, but not by the ZBA, at the time.

Applicants wishing to appeal the ZBA decision based on appeal-proof grounds must notify the ZBA and DHCD in writing within 15 days of receipt of the ZBA notice. If the applicant appeals, DHCD will review materials from the ZBA and applicant and issue a decision within 30 days of receipt of the appeal (failure to issue a decision is a construction approval of the ZBA’s position). Either the ZBA or application can appeal DHCD’s decision by filing an interlocutory appeal with the Housing appeals Committee (HAC) within 20 days of receiving DHCD’s decision. If a ZBA fails to follow this procedure, it waives its right to deny a permit on these “appeal-proof” grounds.

Recent changes to Chapter 40B also address when a community can count a unit as eligible for inclusion in the SHI including:

- *40R*  
Units receiving zoning approval under 40R count when the permit or approval is filed with the municipal clerk provided that no appeals are filed by the board or when the last appeal is fully resolved, similar to a Comprehensive Permit project.
- *Certificate of Occupancy*  
Units added to the SHI on the basis of receiving building permits become temporarily ineligible if the C of O is not issued within 18 months.
- *Large Phased Projects*  
If the comprehensive permit approval or zoning approval allows a project to be built in phases and each phase includes at least 150 units and average time between the start of each phase is 15 months or less, then the entire project remains eligible for the SHI as long as the phasing schedule set forth in the permit approval continues to be met.

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<sup>34</sup> Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

- *Projects with Expired Use Restrictions*  
Units become ineligible for inclusion in the SHI upon expiration or termination of the initial use restriction unless a subsequent use restriction is imposed.
- *Biennial Municipal Reporting*  
Municipalities are responsible for providing the information on units that should be included in the SHI through a statement certified by the chief executive officer.

While there are ongoing discussions regarding how the state should count the affordable units for the purpose of determining whether a community has met the 10% goal, in a rental project if the subsidy applies to the entire project, all units are counted towards the state standard. For homeownership projects, only the units made affordable to those households earning within 80% of median income can be attributed to the affordable housing inventory.

There are up to three stages in the 40B process – the project eligibility stage, the application stage, and at times the appeals stage. First, the applicant must apply for eligibility of a proposed 40B project/site from a subsidizing agency. Under Chapter 40B, subsidized housing is not limited exclusively to housing receiving direct public subsidies but also applies to privately-financed projects receiving technical assistance from the State through its Local Initiative Program (LIP) or through MassHousing (Housing Starts Program), Federal Home Loan Bank Board (New England Fund), MassDevelopment, and Massachusetts Housing Partnership Fund. The subsidizing agency then forwards the application to the local Board of Selectmen for a 30-day comment period. The Board of Selectmen solicits comments from Town officials and other boards and based on their review the subsidizing agency typically issues a project eligibility letter. Alternatively, a developer may approach the Board of Selectmen for their endorsement of the project, and they can make a joint application to DHCD for certification under the Local Initiative Program (for more information see description in Section I.E below).

Recent changes to 40B regulations expands the items a subsidizing agency must consider when determining site eligibility including:

- *Information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, including inclusionary zoning, multi-family districts and 40R overlay zones.*
- Whether the conceptual design is appropriate for the site including building massing, topography, environmental resources, and integration into existing development patterns.
- That the land valuation, as included in the pro forma, is consistent with DHCD guidelines regarding cost examination and limitations on profits and distribution.
- Requires that LIP site approval applications be submitted by the municipality's chief executive officer.
- Specifies that members of local boards can attend the site visit conducted during DHCD's 30-day review period.
- Requires that the subsidizing agency provide a copy of its determination of eligibility to DHCD, the chief executive officer of the municipality, the ZBA and the applicant.

If there are substantial changes to a project before the ZBA issues its decision, the subsidizing agency can defer the re-determination of site/project eligibility until the ZBA issues its decision unless the chief executive officer of the municipality or applicant request otherwise. New 40B regulations provide greater detail on this re-determination process. Additionally, challenges to project eligibility determinations can only be made on the grounds that there has been a substantial change to the project that affects project eligibility requirements and leaves resolution of the challenge to the subsidizing agency.

The next stage in the comprehensive permit process is the application phase including pre-hearing activities such as adopting rules before the application is submitted, setting a reasonable filing fee, providing for technical “peer review” fees, establishing a process for selecting technical consultants, and setting forth minimum application submission requirements. Failure to open a public hearing within 30 days of filing an application can result in constructive approval. The public hearing is the most critical part of the whole application process. Here is the chance for the Zoning Board of Appeals’ consultants to analyze existing site conditions, advise the ZBA on the capacity of the site to handle the proposed type of development, and to recommend alternative development designs. Here is where the ZBA gets the advice of experts on unfamiliar matters – called peer review. Consistency of the project with local needs is the central principal in the review process.

Another important component of the public hearing process is the project economic analysis that determines whether conditions imposed and waivers denied would render the project “uneconomic”. The burden of proof is on the applicant, who must prove that it is impossible to proceed and still realize a reasonable return, which cannot be more than 20%. Another part of the public hearing process is the engineering review. The ZBA directs its consultants to analyze the consistency of the project with local bylaws and regulations and to examine the feasibility of alternative designs.

New Chapter 40B regulations now add a number of requirements related to the hearing process that include:

- The hearing be terminated within 180 days of the filing of a complete application unless the applicant consents to extend.
- Allows communities already considering three (3) or more comprehensive permit applications to stay a hearing on additional applications if the total units under consideration meet the definition of a large project (larger of 300 units or 2% of housing in communities with 7,500 housing units as of the latest Census, 250 units in communities with 5,001 to 7,499 total units, 200 units in communities with 2,500 to 5,000 units, and 150 units or 10% of housing in communities with less than 2,500 units).
- Local boards can adopt local rules for the conduct of their hearings, but they must obtain an opinion from DHCD that their rules are consistent with Chapter 40B.
- Local boards cannot impose “unreasonable or unnecessary” time or cost burdens on an applicant and bans requiring an applicant to pay legal fees for general representation of the ZBA or other boards. The new requirements go into the basis of the fees in more detail, but as a general rule the ZBA may not assess any fee greater than the amount that might be appropriated from town or city funds to review a project of a similar type and scale.
- An applicant can appeal the selection of a consultant within 20 days of the selection on the grounds that the consultant has a conflict of interest or lack minimum required qualifications.
- Specify and limit the circumstances under which ZBA’s can review pro formas.
- Zoning waivers are only required under “as of right” requirements, not from special permit requirements.
- Forbids ZBA’s from imposing conditions that deviate from the project eligibility requirements or that would require the project to provide more affordable units than the minimum threshold required by DHCD guidelines.
- States that ZBA’s cannot delay or deny an application because a state or federal approval has not been obtained.
- Adds new language regarding what constitutes an uneconomic condition including requiring applicants to pay for off-site public infrastructure or improvements if they involve pre-existing conditions, are not usually imposed on unsubsidized housing or are disproportionate to the impacts of the proposed development or requiring a reduction in the number of units other than

on a basis of legitimate local concerns (health, safety, environment, design, etc.). Also states that a condition shall not be considered uneconomic if it would remove or modify a proposed nonresidential element of a project that is not allowed by right.

After the public hearing is closed, the ZBA must set-aside at least two sessions for deliberations within 40 days of the close of the hearing. These deliberations can result in either approval, approval with conditions, or denial.

Subsidizing agencies are required to issue final project eligibility approvals following approval of the comprehensive permit reconfirming project eligibility, including financial feasibility, and approving the proposed use restriction and finding that the applicant has committed to complying with cost examination requirements. New Chapter 40B regulations set forth the basic parameters for insuring that profit limitations are enforced, while leaving the definition of “reasonable return” to the subsidizing agency in accordance with DHCD guidelines. The applicant or subsequent developer must submit a detailed financial statement, prepared by a certified public accountant, to the subsidizing agency in a form and upon a schedule determined by the DHCD guidelines.

If the process heads into the third stage – the appeals process – the burden is on the ZBA to demonstrate that the denial is consistent with local needs, meaning the public health and safety and environmental concerns outweigh the regional need for housing. If a local ZBA denies the permit, a state Housing Appeals Committee (HAC) can overrule the local decision if less than 10% of the locality’s year round housing stock has been subsidized for households earning less than 80% of median income, if the locality cannot demonstrate health and safety reasons for the denial that cannot be mitigated, or if the community has not met housing production goals based on an approved plan or other statutory minima listed above. The HAC has upheld the developer in the vast majority of the cases, but in most instances promotes negotiation and compromise between the developer and locality. In its 30-year history, only a handful of denials have been upheld on appeal. The HAC cannot issue a permit, but may only order the ZBA to issue one. Also, any aggrieved person, except the applicant, may appeal to the Superior Court or Land Court, but even for abutters, establishing “standing” in court is an uphill battle. Appeals from approvals are often filed to force a delay in commencing a project, but the appeal must demonstrate “legal error” in the decision of the ZBA or HAC.

#### **B. Housing Production Regulations**

As part of the Chapter 40B comprehensive permit regulations, the Massachusetts Department of Housing and Community Development (DHCD) is administering the Housing Production Program in accordance with regulations that enable cities and towns to do the following:

- Prepare and adopt an Housing Production Plan that demonstrates production of an increase of .05% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (11 units and 22 units, respectively, for Dighton until the new census figures are available in 2011) for *approval* by DHCD.<sup>35</sup>
- Request *certification* of compliance with the plan by demonstrating production of at least the number of units indicated above.
- Through local ZBA action, deny a comprehensive permit application during the period of certified compliance, which is 12 months following submission of the production documentation to DHCD, or 24 months if the 1.0% threshold is met.

For the plan to be acceptable to DHCD it must meet the following requirements:

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<sup>35</sup> Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

- Include a comprehensive housing needs assessment to establish the context for municipal action based on the most recent census data. The assessment must include a discussion of municipal infrastructure include future planned improvements.
- Address a mix of housing consistent with identified needs and market conditions.
- Address the following strategies including -
  - Identification of geographic areas in which land use regulations will be modified to accomplish affordable housing production goals.
  - Identification of specific sites on which comprehensive permit applications will be encouraged.
  - Preferable characteristics of residential development such as infill housing, clustered areas, and compact development.
  - Municipally owned parcels for which development proposals will be sought.
  - Participation in regional collaborations addressing housing development.

Plans must be adopted by the Board of Selectmen and Planning Board, and the term of an approved plan is five (5) years.

### **C. Chapter 40R/40S**

In 2004, the State Legislature approved a new zoning tool for communities in recognition that escalating housing prices, now beyond the reach of increasing numbers of state residents, are causing graduates from area institutions of higher learning to relocate to other areas of the country in search of greater affordability. The Commonwealth Housing Task Force, in concert with other organizations and institutions, developed a series of recommendations, most of which were enacted by the State Legislature as Chapter 40R of the Massachusetts General Laws. The key components of these regulations are that “the state provide financial and other incentives to local communities that pass Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of apartments for families at all income levels, and the state increase its commitment to fund affordable housing for families of low and moderate income”.<sup>36</sup>

The statute defines 40R as “a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves opens space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.”<sup>37</sup> The key components of 40R include:

- Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations;
- Allows “as-of-right” residential development of minimum allowable densities;
- Provides that 20% of the units be affordable;
- Promotes mixed-use and infill development;
- Provides two types of payments to municipalities; and
- Encourages open space and protects historic districts.

<sup>36</sup> Edward Carman, Barry Bluestone, and Eleanor White for The Commonwealth Housing Task Force, “A Housing Strategy for Smart Growth and Economic Development: Executive Summary”, October 30, 2003, p. 3.

<sup>37</sup> Massachusetts General Law, Chapter 40R, Section 11.

The incentives prescribed by the Task Force and passed by the Legislature include an incentive payment upon the passage of the Overlay District based on the number of projected housing units as follows:

<b>Incentive Payments</b>	
<i>Incentive Units</i>	<b>Payments</b>
Up to 20	\$10,000
21-100	\$75,000
101-200	\$200,000
210-500	\$350,000
501 or more	\$600,000

There are also density bonus payments of \$3,000 for each residential unit issued a building permit. To be eligible for these incentives the Overlay Districts need to allow mixed-use development and densities of 20 units per acre for apartment buildings, 12 units per acre for two and three-family homes, and at least eight units per acre for single-family homes. Communities with populations of less than 10,000 residents are eligible for a waiver of these density requirements, however significant hardship must be demonstrated. The Zoning Districts would also encourage housing development on vacant infill lots and in underutilized nonresidential buildings. The Task Force emphasizes that Planning Boards, which would enact the Zoning Districts, would be “able to ensure that what is built in the District is compatible with and reflects the character of the immediate neighborhood.”<sup>38</sup>

The principal benefits of 40R include:

- Expands a community’s planning efforts;
- Allows communities to address housing needs;
- Allows communities to direct growth;
- Can help communities meet planned production goals and 10% threshold under Chapter 40B;
- Can help identify preferred locations for 40B developments; and
- State incentive payments.

The formal steps involved in creating Overlay Districts are as follows:

- The Town holds a public hearing as to whether to adopt an Overlay District per the requirements of 40R;
- The Town applies to DHCD prior to adopting the new zoning;
- DHCD reviews the application and issues a Letter of Eligibility if the new zoning satisfies the requirements of 40R;
- The Town adopts the new zoning through a two-thirds vote of Town Meeting subject to any modifications required by DHCD;
- The Town submits evidence of approval to DHCD upon the adoption of the new zoning; and
- DHCD issues a letter of approval, which indicates the number of incentive units and the amount of payment.

The state recently enacted Chapter 40S under the Massachusetts General Law that provides additional benefits through insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing. This funding was initially included as part of 40R but was eliminated during the final stages of

<sup>38</sup> “A Housing Strategy for Smart Growth and Economic Development: Executive Summary,” p. 4.

approval. In effect, 40S is a complimentary insurance plan for communities concerned about the impacts of a possible net increase in school costs due to new housing development.

**D. Local Initiative Program (LIP) Guidelines**

The Local Initiative Program (LIP) is a technical assistance subsidy program to facilitate Chapter 40B developments and locally produced affordable units. The general requirements of LIP include insuring that projects are consistent with sustainable or smart growth development principles as well as local housing needs. LIP recognizes that there is a critical need for all types of housing but encourages family and special needs housing in particular. Age-restricted housing (over 55) is allowed but the locality must demonstrate actual need and marketability. DHCD has the discretion to withhold approval of age-restricted housing if other such housing units within the community remain unbuilt or unsold or if the age-restricted units are unresponsive to the need for family housing within the context of other recent local housing efforts.

There are two types of LIP projects, those using the comprehensive permit process, the so-called “friendly” 40B’s, and Local Action Units, units where affordability is a result of some local action such as inclusionary zoning, Community Preservation funding, other regulatory requirements, etc.

Specific LIP requirements include the following by category:

***Income and Assets***

- Must be affordable to those earning at or below 80% of area median income adjusted by family size and annually by HUD. Applicants for affordable units must meet the program income limits in effect at the time they apply for the unit and must continue to meet income limits in effect when they actually purchase a unit.
- For homeownership units, the household may not have owned a home within the past three years except for age-restricted “over 55” housing.
- For homeownership projects, assets may not be greater than \$75,000 except for age-restricted housing where the net equity from the ownership of a previous house cannot be more than \$200,000.
- Income and asset limits determine eligibility for lottery participation.

***Allowable Sales Prices and Rents<sup>39</sup>***

- Rents are calculated at what is affordable to a household earning 80% of area median income adjusted for family size, assuming they pay no more than 30% of their income on housing. Housing costs include rent and payments for heat, hot water, cooking fuel, and electric. If there is no municipal trash collection a trash removal allowance should be included. If utilities are separately metered and paid by the tenant, the LIP rent is reduced based on the area’s utility allowance. Indicate on the DHCD application whether the proposed rent has been determined with the use of utility allowances for some or all utilities.
- Sales prices of LIP units are set so a household earning 70% of area median income would have to pay no more than 30% of their income for housing. Housing costs include mortgage principal and interest on a 30-year fixed term mortgage at 95% of purchase

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<sup>39</sup> DHCD has an electronic mechanism for calculating maximum sales prices on its website at [www.mass.gov/dhcd](http://www.mass.gov/dhcd).

price, property taxes, condo fees<sup>40</sup>, private mortgage insurance (if putting less than 20% of purchase price down), and hazard insurance.

- The initial maximum sales price or rent is calculated as affordable to a household with a number of household members equal to the number of bedrooms plus one (for example a two-bedroom unit would be priced based on what a three-person household could afford).

#### ***Allowable Financing and Costs***

- Allowable development costs include the “as is” value of the property based on existing zoning at the time of application for a project eligibility letter (initial application to DHCD). Carrying costs (i.e., property taxes, property insurance, interest payments on acquisitions financing, etc.) can be no more than 20% of the “as is” market value unless the carrying period exceeds 24 months. Reasonable carrying costs must be verified by the submission of documentation not within the exclusive control of the applicant.
- Appraisals are required except for small projects of 20 units or less at the request of the Board of Selectmen where the applicant for the LIP comprehensive permit submits satisfactory evidence of value.
- Profits are limited to no more than 20% of total allowable development costs in homeownership projects.
- In regard to rental developments, payment of fees and profits are limited to no more than 10% of total development costs net of profits and fees and any working capital or reserves intended for property operations. Beginning upon initial occupancy and then proceeding on an annual basis, annual dividend distributions will be limited to no more than 10% of the owner’s equity in the project. Owner’s equity is the difference between the appraised as-built value and the sum of any public equity and secured debt on the property.
- For LIP comprehensive permit projects, DHCD requires all developers to post a bond (or a letter of credit) with the municipality to guarantee the developer’s obligations to provide a satisfactory cost certification upon completion of construction and to have any excess profits, beyond what is allowed, revert back to the municipality. The bond is discharged after DHCD has determined that the developer has appropriately complied with the profit limitations.
- No third party mortgages are allowed for homeownership units.

#### ***Marketing and Outreach***

- Marketing and outreach, including lottery administration in adherence with all Fair Housing laws and the state’s Affirmative Fair Housing Marketing Plan Guidelines.
- LIP requires that the lottery draw and rank households by size.
- If there are proportionately less minority applicants in the community preference pool than the proportion in the region, a preliminary lottery must be held to boost, if possible, the proportion of minority applicants to this regional level.
- If a community wishes to implement a local selection process, involving no more than 70% of the affordable units in any development, it must demonstrate in its Affirmative Fair Housing Marketing Plan that there is a need for community preference and that there will be no discriminatory impacts of the proposed local preference.

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<sup>40</sup> DHCD will review condo fee estimates and approve a maximum condo fee as part of the calculation of maximum sales price. The percentage interests assigned to the condo must conform to the approved condo fees and require a lower percentage interest assigned to the affordable units as opposed to the market rate ones. DHCD must review the Schedule of Beneficial Interests in the Master Deed to confirm that LIP units have been assigned percentage interests that correspond to the condo fees.



- The Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s).
- Marketing materials must be available/application process open for a period of at least 60 days.
- Marketing should begin about six (6) months before occupancy.
- Lottery must be held unless there are no more qualified applicants than units available.

#### ***Regulatory Requirements***

- The affordable units design, type, size, etc. must be the same as the market units and dispersed throughout the development.
- Units developed through LIP as affordable must be undistinguishable from market units as viewed from the exterior (unless the project has a DHCD-approved alternative development plan that is only granted under exceptional circumstances) and contain complete living facilities.
- For over 55 projects, only one household member must be 55 or older.
- Household size relationship to unit size is based on “households” = number of bedrooms plus one -- i.e., a four-person household in a three-bedroom unit (important also for calculating purchase prices of the affordable units for which LIP has a formula as noted above).
- Must have deed restrictions in effect in perpetuity unless the applicant or municipality can justify a shorter term to DHCD.
- All affordable units for families must have at least two or more bedrooms and meet state sanitary codes and these minimum requirements –

1 bedroom – 700 square feet/1 bath  
 2 bedrooms – 900 square feet/1 bath  
 3 bedrooms – 1,200 square feet/ 1 ½ baths  
 4 bedrooms – 1,400 square feet/2 baths

- Appraisals may take into account the probability of obtaining a variance, special permit or other zoning relief but must exclude any value relating to the possible issuance of a comprehensive permit.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is largely developer driven. It is based on the understanding that the developer and Town are working together on a project that meets community needs. Minimum requirements include:

1. Written support of the municipality’s chief elected official, the Board of Selectmen in the case of towns, and the local housing partnership, trust or other designated local housing entity. The chief executive officer is in fact required to submit the application to DHCD.
2. At least 25% of the units must be affordable and occupied by households earning at or below 80% of area median income or at least 20% of units restricted to households at or below 50% of area median income.
3. Affordability restrictions must be in effect in perpetuity, to be monitored by DHCD through a recorded regulatory agreement.
4. Project sponsors must prepare and execute an affirmative fair marketing plan that must be approved by DHCD.
5. Developer’s profits are restricted per Chapter 40B requirements.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is as follows:

1. Application process
  - Developer meets with Town
  - Developer and Town agree to proposal
  - Town chief elected officer submits application to DHCD with developer’s input
2. DHCD review involves the consideration of:
  - Sustainable development criteria (redevelop first, concentrate development, be fair, restore and enhance the environment, conserve natural resources, expand housing opportunities, provide transportation choice, increase job opportunities, foster sustainable businesses, and plan regionally),
  - Number and type of units,
  - Pricing of units to be affordable to households earning no more than 70% of area median income,
  - Affirmative marketing plan,
  - Financing, and
  - Site visit.
3. DHCD issues site eligibility letter that enables the developer to bring the proposal to the ZBA for processing the comprehensive permit.
4. Zoning Board of Appeals holds hearing
  - Developer and Town sign regulatory agreement to guarantee production of affordable units that includes the price of units and deed restriction in the case of homeownership and limits on rent increases if a rental project. The deed restriction limits the profit upon resale and requires that the units be sold to another buyer meeting affordability criteria.
  - Developer forms a limited dividend corporation that limits profits.
  - The developer and Town sign a regulatory agreement.
5. Marketing
  - Marketing plan must provide outreach to area minority communities to notify them about availability of the unit(s).
  - Local preference is limited to those who live/work in the community with a maximum of 70% of the affordable units per state Affirmative Fair Housing Marketing Plan Guidelines.
  - Marketing materials must be available/application process open for a period of at least 60 days.
  - Lottery must be held.
6. DHCD approval must include
  - Marketing plan, lottery application, and lottery explanatory materials
  - Regulatory agreement (DHCD is a signatory)
  - Deed rider (Use standard LIP document)
  - Purchase arrangements for each buyer including signed mortgage commitment, signed purchase and sale agreement and contact information of purchaser’s closing attorney.

As mentioned above, in addition to being used for “friendly” 40B projects, LIP can be used for counting those affordable units as part of a Town’s Subsidized Housing Inventory that are created as a result of some local action. Following occupancy of the units, a Local Action Units application must be submitted to DHCD for the units to be counted as affordable. This application is on DHCD’s web site.

The contact person at DHCD is Janice Lesniak of the LIP staff (phone: 617-573-1309; fax: 617-573-1330; email: [janice.lesniak@state.ma.us](mailto:janice.lesniak@state.ma.us)). For legal questions contact Elsa Campbell, Housing Specialist (phone: 617-573-1321; fax: 617-573-1330; email: [elsa.Campbell@state.ma.us](mailto:elsa.Campbell@state.ma.us)).

**E. Commonwealth Capital<sup>41</sup>**

The state established Commonwealth Capital as a policy that encourages communities to implement smart growth by utilizing the smart growth consistency of municipal land use regulations as part of the evaluation of proposals for state funding under a number of state capital spending programs. Those municipalities with higher scores, will be in a more competitive position for receiving state discretionary funding, not just for housing, but for other purposes including infrastructure, transportation, environment, economic development, etc. The state's goal is to invest in projects that are consistent with Sustainable Development Principles that include:

1. Redevelop first;
2. Concentrate development;
3. Be fair;
4. Restore and enhance the environment;
5. Conserve natural resources;
6. Expand housing opportunities;
7. Provide transportation choice;
8. Increase job opportunities;
9. Foster sustainable businesses; and
10. Plan regionally.

Applications can be submitted at any time and will be valid for the programs listed above throughout the current fiscal year. Communities should submit applications prior to the deadline for any Commonwealth Capital program to which they are applying to ensure that their score will count. Applications should be submitted electronically, and each community is assigned its own login and password.

Programs which are affected by Commonwealth Capital include the following that are operated by the Executive Office of Administration and Finance (EOAF), Executive Office of Energy and Environmental Affairs (EOEEA), Executive Office of Housing and Economic Development (EOHED), Executive Office of Transportation and Public Works (EOTPW), Coastal Zone Management (CZM), Massachusetts Office of Business Development (MOBD), Massachusetts Office of Relocation and Expansion (MORE), and the Department of Housing and Community Development (DHCD):

- Public Works Economic Development Program (EOTPW)
- Bike and Pedestrian Program (EOTPW)\*
- Transit Oriented Development Bond Program (EOTPW)
- Community Development Action Grant Program (EOHED and DHCD)
- State Revolving Fund (EOEEA and DEP)
- Urban Brownfields Assessment Program (EOEEA)\*

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<sup>41</sup> This program was created by the Romney administration and coordinated by the Office of Commonwealth Development. While OCD has been disbanded, applications are still being accepted

- Urban Self-Help Program (EOEEA and DCS)
- Drinking Water Supply Protection Grant Program (EOEEA)
- Urban River Visions Program (EOEEA)\*
- Coastal Pollutant Remediation Grant Program (EOEEA and CZM)
- Coastal Nonpoint Source Pollution Grant Program (EOEEA and CZM)
- Off-Street Parking Program (EOAF)
- Smart Growth Technical Assistance Program (for this program EOEEA will use inverse Commonwealth Capital scores. Unlike the other 13 programs, a primary goal of this program is to help communities with low scores improve.)

\* Indicates programs that are eliminated in proposed program changes.

Draft changes to Commonwealth Capital add the following programs:

- Small Town Road Assistance Program (EOTPW)
- MA Opportunity Relocation and Expansion (MORE)
- Jobs Capital Program (MOBD)
- Water Transportation Capital Funding Program (EOTPW)
- Alternative Energy Property Program (EOEEA-DOER)

The application involves a maximum score of 140 points, including bonus points. The Commonwealth Capital score will account for 30% of the possible application points for any of the Commonwealth Capital programs, the other 70% points related to the purpose of the particular program and the merits of the proposed project. Communities receive points for zoning, planning, housing, environmental, energy, transportation, and other measures that already exist as well as measures they commit to implement by the end of 2009 (for this year's application). Additionally, communities can receive bonus points for successfully implementing commitments made in their 2008 applications.

The major components of the proposed Commonwealth Capital application and corresponding total point allocations are provided below:

- Plan for and promote livable communities and plan regionally (19)
- Zone for and permit concentrated development and mixed use (26)
- Expand housing opportunities (21)
- Make efficient decisions and increase job and business opportunities (12)
- Protect land and ecosystems (21)
- Use natural resources wisely (7)
- Promote clean energy (9)
- Provide transportation choice (9)
- Advance equity (6)
- Promote sustainable development via other actions (10)
- Bonus points for every prior fiscal year commitment implemented

A greater number of points are granted for actions that are already in place but points are also issued for commitments that have not yet been implemented.

## II. SUMMARY OF HOUSING RESOURCES

Those programs that may be most appropriate to development activity in Dighton are described below.<sup>42</sup>

### A. Technical Assistance

#### 1. *Priority Development Fund*<sup>43</sup>

A relatively new state-funded initiative, the Priority Development Fund, provides planning assistance to municipalities for housing production. In June 2004, DHCD began making \$3 million available through this Fund on a first-come, first-served basis to encourage the new production of housing, especially mixed-income rental housing. PDF assistance supports a broad range of activities to help communities produce housing. Applications must demonstrate the community's serious long-term commitment and willingness to increase its housing supply in ways that are consistent with the Commonwealth's principles of sustainable development.

Eligible activities include community initiated activities and implementation activities associated with the production of housing on specific sites. Community initiated activities include but are not limited to:

Zoning activities that support the program objectives include:

- Incentive zoning provisions to increase underlying housing density;
- Smart Growth Zoning Overlay Districts;
- Inter- and intra-municipal Transferable Development Rights proposals;
- Zoning that promotes compact housing and development such as by right multi-family housing, accessory apartment units, clustered development, and inclusionary zoning;
- Zoning provisions authorizing live-and-work units, housing units for seasonal employees, mixed assisted living facilities and the conversion of large single-family structures, vacant mills, industrial buildings, commercial space, a school or other similar facilities, into multi-family developments; and
- Other innovative zoning approaches developed by and for an individual community.

Education and outreach efforts that support the program objectives include:

- Establishment of a local or regional affordable housing trust;
- Development of a plan of action for housing activities that will be undertaken with Community Preservation Act funds; and
- Efforts to build local support (grass-root education) necessary to achieve consensus or approval of local zoning initiatives.

Implementation activities associated with the production of housing in site-specific areas include but are not limited to:

- Identification of properties, site evaluation, land assembly and financial feasibility analysis; and
- Development of a Request for Proposal (RFP) for the disposition of land.

The PDF assistance is not available to serve as a substitute for pre-development assessment of alternative development scenarios for parcels already controlled by an identified private developer or to supplant municipal funds to pay staff salaries.

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<sup>42</sup> Program information was gathered through agency brochures, agency program guidelines and application materials as well as the following resources: Verrilli, Ann. Housing Guidebook for Massachusetts. Produced by the Citizen's Housing and Planning Association, June 1999.

<sup>43</sup> Description taken from the state's program description.

Eligible applicants consist of cities and towns within the Commonwealth. Municipalities may enter into third party agreements with consultants approved by DHCD, however only a municipality will be allowed to enter into a contract with MassHousing regarding the distribution of funds. Municipalities will be responsible for attesting that all funds have been expended for their intended purposes.

Joint applications involving two or more communities within a region or with similar housing challenges are strongly encouraged as a way to leverage limited resources, however, one municipality will be required to serve as the lead.

MassHousing and DHCD reserve the right to screen applications and to coordinate requests from communities seeking similar services. For example, rural communities may be more effectively served by an application for a shared consultant who can work with numerous towns to address zoning challenges that enhance housing production. Likewise, it may be more effective to support an application for a consultant to review model zoning bylaws or overlay districts with a number of interested communities with follow-up at the community level to support grassroots education, than it is to support the separate development of numerous zoning bylaws. Communities submitting multiple applications must prioritize their applications.

In exchange for the assistance, municipalities must agree to share the end product of the funded activities with DHCD and MassHousing and with other communities in the Commonwealth through reports, meetings, workshops, and to highlight these activities in print, on the web or other media outlets.

The agencies will focus the evaluation of applications to determine overall consistency with program goals and the principles of sustainable development. Applications will be evaluated based on:

- Eligibility of activity;
- Public support;
- Demonstrated need for funds;
- Likelihood activity will result in production of housing;
- Reasonableness of the timeline;
- Readiness to proceed with proposed project;
- Capacity to undertake activity;
- Cost estimates and understanding of the proposed project cost;
- Proposed activity having clearly defined benefits that will result in the production of housing; and
- Benefits being realized within a 2-3 year-timeframe.

Applications for funding will be accepted and evaluated on a rolling review basis. In order to deploy this assistance as effectively and efficiently as possible, or in the event the planning funds are oversubscribed, communities that have relatively greater planning capacity and/or resources may be requested to provide some matching funds. Additional consideration and flexibility for the assistance will be made for communities with little or no planning staff capacity or resources.

Communities may apply to DHCD for assistance of up to \$50,000. The amount of funds awarded will be a reflection of the anticipated impact on housing production. DHCD and MassHousing reserve the right to designate proposals as "Initiatives of Exceptional Merit," in order to increase the amount of assistance and scope of services for certain projects.

## **2. *Peer to Peer Technical Assistance***

This state program utilizes the expertise and experience of local officials from one community to provide assistance to officials in another comparable community to share skills and knowledge on short-term

problem solving or technical assistance projects related to community development and capacity building. Funding is provided through the Community Development Block Grant Program and is limited to grants of no more than \$1,000, providing up to 30 hours of technical assistance.

Applications are accepted on a continuous basis, but funding is limited. To apply, a municipality must provide DHCD with a brief written description of the problem or issue, the technical assistance needed and documentation of a vote of the Board of Selectmen supporting the request for a peer. Communities may propose a local official from another community to serve as the peer or ask DHCD for a referral. If DHCD approves the request and once the peer is recruited, DHCD will enter into a contract for services with the municipality. When the work is completed to the municipality's satisfaction, the Town must prepare a final report, submit it to DHCD, and request reimbursement for the peer.

### **3. *MHP Intensive Community Support Team***

The Massachusetts Housing Partnership Fund is a quasi-public agency that offers a wide range of technical and financial resources to support affordable housing. The Intensive Community Support Team provides sustained, in-depth assistance to support the development of affordable housing. Focusing on housing production, the Team helps local advocates move a project from the conceptual phase through construction, bringing expertise and shared lessons from other parts of the state. The team can also provide guidance on project finance. Those communities, which are interested in this initiative, should contact the MHP Fund directly for more information.

### **4. *MHP Chapter 40B Technical Assistance Program***

Working with DHCD, MHP launched this program in 1999 to provide technical assistance to those communities needing assistance in reviewing comprehensive permit applications. The Program offers up to \$10,000 in third-party technical assistance to enable communities to hire consultants to help them review Chapter 40B applications. Those communities that are interested in this initiative should contact the MHP Fund directly for more information.

MHP recently announced new guidelines to help cities and towns review housing development proposals under Chapter 40B including:

- State housing agencies will now appraise and establish the land value of 40B sites before issuing project eligibility letters.
- State will put standards in place for determining when permit conditions make a 40B development "uneconomic".
- There will be set guidelines on determining related-party transactions, i.e., when a developer may also have a role as contractor or realtor.
- Advice on how to identify the most important issues early and communicate them to the developer, how informal work sessions can be effective, and how to make decisions that are unlikely to be overturned in court.

### **5. *Smart Growth Technical Assistance Grants***

The state recently announced the availability of *Smart Growth Technical Assistance Grants* from the Executive Office of Environmental Affairs that provides up to \$30,000 per community to implement smart growth zoning changes and other activities that will improve sustainable development practices and increase scores on the Commonwealth Capital application. Eligible activities include:

- Zoning changes that implement planning recommendations;
- Development of mixed-use zoning districts;
- Completion of Brownfields inventory or site planning;

- Implementation of stormwater BMPs;
- Completion of Open Space Residential Design bylaws/ordinances;
- Implementation of Low Impact Development (LID) bylaws/ordinances; and
- Development of a Right-to-Farm bylaw/ordinance or zoning protections for agricultural preservation.

The state requires that localities provide a match of 15% of this special technical assistance fund and encourages communities that are interested in the same issues to apply jointly. Preference will be given to applications that improve sustainable development practices, realize a commitment from a community's Commonwealth Capital application, and implement a specific Community Development or Master Plan action. Additional preference will be offered those communities with lower Commonwealth Capital scores to support towns that have the greatest need for improved land use practices. For FY 2006, applications were due in mid-August for projects that must be completed by June 30, 2006, but no applications were required in FY 2006 if one had been submitted previously. Nevertheless, communities are able to submit supplemental information that will likely help boost their scores and competitiveness for state discretionary resources.

## **B. Housing Development**

While comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones, communities are finding that they also require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish their objectives and meet affordable housing goals. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income tenants can afford, multiple layers of subsidies are often required to fill the gaps. Sometimes even Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

The state requires applicants to submit a One Stop Application for most of its housing subsidy programs in an effort to standardize the application process across agencies and programs. A Notice of Funding Availability (NOFA) is issued by the state usually twice annually for its rental programs and homeownership initiatives. Using the One Stop Application, applicants can apply to several programs simultaneously to support the funding needs of a particular project.

### **1. *HOME Program***

Dighton is part of the Greater Attleboro-Taunton HOME Consortium and has access to HOME funding. HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to do the following:

- Produce rental housing;
- Provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties;
- Offer tenant-based rental assistance (two-year subsidies); and/or
- Assist first-time homeowners.

The HOME Program funding is targeted to homebuyers or homeowners earning no more than 80% of median income and to rental units where at least 90% of the units must be affordable and occupied by households earning no more than 60% of median income, the balance to those earning within 80% of median. Moreover, for those rental projects with five or more units, at least 20% of the units must be



reserved for households earning less than 50% of median income. In addition to income guidelines, the HOME Program specifies the need for deed restrictions, resale requirements, and maximum sales prices or rentals.

The HOME Rental Program is targeted to the acquisition and rehabilitation of multi-family distressed properties or new construction of multi-family rental housing from five to fifty units. Once again, the maximum subsidy per project is \$750,000 and the maximum subsidy per unit in localities that receive HOME or CDBG funds directly from HUD is \$50,000 (these communities should also include a commitment of local funds in the project). Those communities that do not receive HOME or CDBG funds directly from HUD, like Dighton, can apply for up to \$65,000 per unit. Subsidies are in the form of deferred loans at 0% interest for 30 years. State HOME funding cannot be combined with another state subsidy program with several exceptions including the Low Income Housing Tax Credits, HIF and the Soft Second Program.

## **2. *Community Development Block Grant Program (CDBG)***

In addition to funding for the Peer-to-Peer Program mentioned in the above section, there are other housing resources supported by federal CDBG funds that are distributed by formula to Massachusetts.

The **Massachusetts Small Cities Program** that has a set-aside of Community Development Block Grant (CDBG) funds to support a range of eligible activities including housing development. However, at least 70% of the money must provide benefits to households earning within 80% of median income. This money is for those nonentitlement localities that do not receive CDBG funds directly from HUD. Funds are awarded on a competitive basis through Notices of Funding Availability with specific due dates or through applications reviewed on a rolling basis throughout the year, depending on the specific program. This funding supports a variety of specific programs.

The program that potentially has the greatest applicability in Dighton is the **Housing Development Support Program (HDSP)** that provides gap financing for small affordable housing projects with fewer than eight units, including both new construction and rehabilitation. Eligible activities include development, rehabilitation, homeownership, acquisition, site preparation and infrastructure work. There is a maximum of \$500,000 plus administrative costs but the program can go up to \$750,000 per project for somewhat larger developments of up to ten units that involve mixed-use or adaptive reuse projects. A majority of the units must be affordable. All state and federal grants cannot exceed 75% of total project costs with the exception of special needs projects where such grants can amount to 100% of total costs. Funding involves a two-step process: 1) a notice of intent that provides basic information on the project, and 2) the municipality may be invited to submit a full application. HDSP Program funding is extremely competitive, and projects that receive funding through the state HOME or Housing Stabilization Fund Programs are excluded from applying to HDSP.

There are other programs funded through the Community Development Block Grant Small Cities Program for both homeownership and rental projects. A number of the special initiatives are directed to communities with high "statistical community-wide needs", however, the **Community Development Fund II** is targeted to communities with lower needs scores that have not received CDBG funds in recent years. This may be the best source of CDBG funding for Dighton besides HDSP described above. Funding is also awarded competitively through an annual Notice of Funding Availability. DHCD also has a **Reserve Fund** for CDBG-eligible projects that did not receive funding from other CDBG funded programs or for innovative projects.

## **3. *Housing Stabilization Fund (HSF)***

The state's Housing Stabilization Fund (HSF) was established in 1993 through a Housing Bond bill to support housing rehabilitation through a variety of housing activities including homeownership (most of

this funding has been allocated for the MHP Soft Second Program) and rental project development. The state subsequently issued additional bond bills to provide more funding. The HSF Rehabilitation Initiative is targeted to households with incomes within 80% of median income, with resale or subsequent tenancy for households within 100% of median income. The funds can be used for grants or loans through state and local agencies, housing authorities and community development corporations with the ability to subcontract to other entities. The funds have been used to match local HOME program funding, to fund demolition, and to support the acquisition and rehabilitation of affordable housing. In addition to a program directed to the rehabilitation of abandoned, distressed or foreclosed properties, the HSF provides funds to municipalities for local revitalization programs directed to the creation or preservation of rental projects. As with HOME, the maximum amount available per project is \$750,000 and the maximum per unit is \$65,000 for communities that do not receive HOME or CDBG funds directly from HUD, and \$50,000 for those that do. Communities can apply for HSF funding biannually through the One Stop Application.

#### **4. *Low Income Housing Tax Credit Program***

The Low Income Housing Tax Credit Program was created in 1986 by the Federal Government to offer tax credits to investors in housing development projects that include some low-income units. The tax credit program is often the centerpiece program in any affordable rental project because it brings in valuable equity funds. Tax credits are either for 4% or 9% of the development or rehab costs for each affordable unit for a ten-year period. The 4% credits have a present value of 30% of the development costs, except for the costs of land, and the 9% credit have a present value equal to 70% of the costs of developing the affordable units, with the exception of land. Both the 4% and 9% credits can be sold to investors for close to their present values.

The Federal Government limits the 9% credits and consequently there is some competition for them, nevertheless, most tax credit projects in Massachusetts are financed through the 9% credit. Private investors, such as banks or corporations, purchase the tax credits for about 80 cents on the dollar, and their money serves as equity in a project, reducing the amount of the debt service and consequently the rents. The program mandates that at least 20% of the units must be made affordable to households earning within 50% of median income or 40% of the units must be affordable to households earning up to 60% of median income. Those projects that receive the 9% tax credits must produce much higher percentages of affordable units.

The Massachusetts Legislature has enacted a comparable state tax credit program, modeled after the federal tax credit program. The One Stop Application is also used to apply for this source of funding.

#### **5. *Affordable Housing Trust Fund***

The Affordable Housing Trust Fund (AHTF) was established by an act of the State Legislature and is codified under Chapter 121-D of the Massachusetts General Laws. The AHTF operates out of DHCD and is administered by MassHousing with guidance provided by an Advisory Committee of housing advocates. The purpose of the fund is to support the creation/preservation of housing that is affordable to people with incomes that do not exceed 110% of the area median income. The AHTF can be used to support the acquisition, development and/or preservation of affordable housing units. AHTF assistance can include:

- Deferred payment loans, low/no-interest amortizing loans.
- Down payment and closing cost assistance for first-time homebuyers.
- Credit enhancements and mortgage insurance guarantees.
- Matching funds for municipalities that sponsor affordable housing projects.
- Matching funds for employer-based housing and capital grants for public housing.

Funds can be used to build or renovate new affordable housing, preserve the affordability of subsidized expiring use housing, and renovate public housing. While the fund has the flexibility of serving households with incomes up to 110%, preferences for funding will be directed to projects involving the production of new affordable units for families earning below 80% of median income. The program also includes a set-aside for projects that serve homeless households or those earning below 30% of median income. Once again, the One Stop Application is used to apply for funding, typically through the availability of two funding rounds per year.

**6. *Housing Innovations Fund (HIF)***

The state also administers the Housing Innovations Fund (HIF) that was created by a 1987 bond bill and expanded under two subsequent bond bills to provide a 5% deferred loan to non-profit organizations for no more than \$500,000 per project or up to 30% of the costs associated with developing alternative forms of housing including limited equity coops, mutual housing, single-room occupancy housing, special needs housing, transitional housing, domestic violence shelters and congregate housing. At least 25% of the units must be reserved for households earning less than 80% of median income and another 25% for those earning within 50% of area median income. HIF can also be used with other state subsidy programs including HOME, HSF and Low Income Housing Tax Credits. The Community Economic Development Assistance Corporation (CEDAC) administers this program. Applicants are required to complete the One-Stop Application.

**7. *Federal Home Loan Bank Board's Affordable Housing Program (AHP)***

Another potential source of funding for both homeownership and rental projects is the Federal Home Loan Bank Board's Affordable Housing Program (AHP) that provides subsidies to projects targeted to households earning between 50% and 80% of median income, with up to \$300,000 available per project. This funding is directed to filling existing financial gaps in low- and moderate-income affordable housing projects. There are typically two competitive funding rounds per year for this program.

**8. *MHP Permanent Rental Financing Program***

The state also provides several financing programs for rental projects through the Massachusetts Housing Partnership Fund. The Permanent Rental Financing Program provides long-term, fixed-rate permanent financing for rental projects of five or more units from \$100,000 loans to amounts of \$2 million. At least 20% of the units must be affordable to households earning less than 50% of median income or at least 40% of the units must be affordable to households earning less than 60% of median income or at least 50% of the units must be affordable to households earning less than 80% of median income. MHP also administers the Permanent Plus Program targeted to multi-family housing or SRO properties with five or more units where at least 20% of the units are affordable to households earning less than 50% of median income. The program combines MHP's permanent financing with a 0% deferred loan of up to \$40,000 per affordable unit up to a maximum of \$500,000 per project. No other subsidy funds are allowed in this program. The Bridge Financing Program offers bridge loans of up to eight years ranging from \$250,000 to \$5 million to projects involving Low Income Housing Tax Credits. Applicants should contact MHP directly to obtain additional information on the program and how to apply.

**9. *OneSource Program***

The Massachusetts Housing Investment Corporation (MHIC) is a private, non-profit corporation that since 1991 has provided financing for affordable housing developments and equity for projects that involve the federal Low Income Housing Tax Credit Program. MHIC raises money from area banks to fund its loan pool and invest in the tax credits. In order to qualify for MHIC's OneSource financing, the project must include a significant number of affordable units, such that 20% to 25% of the units are affordable to households earning within 80% of median income. Interest rates are typically one point over prime and there is a 1% commitment fee. MHIC loans range from \$250,000 to several million, with

a minimum project size of six units. Financing can be used for both rental and homeownership projects, for rehab and new construction, also covering acquisition costs with quick turn-around times for applications of less than a month (an appraisal is required). The MHIC and MHP work closely together to coordinate MHIC's construction financing with MHP's permanent take-out through the OneSource Program, making their forms compatible and utilizing the same attorneys to expedite and reduce costs associated with producing affordable housing.

**10. *Section 8 Rental Assistance***

An important low-income housing resource is the Section 8 Program that provides rental assistance to help low- and moderate-income households pay their rent. In addition to the federal Section 8 Program, the state also provides rental subsidies through the Massachusetts Rental Voucher Program as well as three smaller programs directed to those with special needs. These rental subsidy programs are administered by the state or through local housing authorities and regional non-profit housing organizations. Rent subsidies take two basic forms – either granted directly to tenants or committed to specific projects through special Project-based rental assistance. Most programs require households to pay a minimum percentage of their adjusted income (typically 30%) for housing (rent and utilities) with the government paying the difference between the household's contribution and the actual rent.

**11. *Massachusetts Preservation Projects Fund***

The Massachusetts Preservation Projects Fund (MPPF) is a state-funded 50% reimbursable matching grant program that supports the preservation of properties, landscapes, and sites (cultural resources) listed in the State Register of Historic Places. Applicants must be municipality or non-profit organization. Funds can be available for pre-development including feasibility studies, historic structure reports and certain archaeological investigations of up to \$30,000. Funding can also be used for construction activities including stabilization, protection, rehabilitation, and restoration or the acquisition of a state-registered property that are imminently threatened with inappropriate alteration or destruction. Funding for development and acquisition projects range from \$7,500 to \$100,000. Work completed prior to the grant award, routine maintenance items, mechanical system upgrades, renovation of non-historic spaces, moving an historic building, construction of additions or architectural/engineering fees are not eligible for funding or use as the matching share. A unique feature of the program allows applicants to request up to 75% of construction costs if there is a commitment to establish a historic property maintenance fund by setting aside an additional 25% over their matching share in a restricted endowment fund. A round of funding was recently held, but future rounds are not authorized at this time.

**12. *District Improvement Financing Program (DIF)***

The District Improvement Financing Program (DIF) is administered by the state's Office of Business Development to enable municipalities to finance public works and infrastructure by pledging future incremental taxes resulting from growth within a designated area to service financing obligations. This Program, in combination with others, can be helpful in developing or redeveloping target areas of a community, including the promotion of mixed-uses and smart growth. Municipalities submit a standard application and follow a prescribed application process directed by the Office of Business Development in coordination with the Economic Assistance Coordinating Council.

**13. *Urban Center Housing Tax Increment Financing Zone (UCH-TIF)***

The Urban Center Housing Tax Increment Financing Zone Program (UCH-TIF) is a relatively new state initiative designed to give cities and towns the ability to promote residential and commercial development in commercial centers through tax increment financing that provides a real estate tax exemption on all or part of the increased value (the "increment") of the improved real estate. The development must be primarily residential and this program can be combined with grants and loans from other local, state and federal development programs. An important purpose of the program is to increase the amount of affordable housing for households earning at or below 80% of area median income and requires that 25%

of new housing to be built in the zone be affordable, although the Department of Housing and Community Development may approve a lesser percentage where necessary to insure financial feasibility. In order to take advantage of the program, a municipality needs to adopt a detailed UCH-TIF Plan and submit it to DHCD for approval.

#### ***14. Community Based Housing Program***

The Community Based Housing Program provides loans to nonprofit agencies for the development or redevelopment of integrated housing for people with disabilities in institutions or nursing facilities or at risk of institutionalization. The Program provides permanent, deferred payment loans for a term of 30 years, and CBH funds may cover up to 50% of a CHA unit's Total Development Costs up to a maximum of \$750,000 per project.

### **C. Homebuyer Financing and Counseling**

#### ***1. Soft Second Loan Program***

The Massachusetts Housing Partnership Fund, in coordination with the state's Department of Housing and Community Development, administers the Soft Second Loan Program to help first-time homebuyers purchase a home. The Program began in 1991 to help families earning up to 80% of median income qualify for a mortgage through a graduated-payment second mortgage and down payment assistance. Just recently the state announced that it had lent \$1 billion in these affordable mortgages. Participating lenders originate the mortgages which are actually split in two with a conventional first mortgage based on 77% of the purchase price, the soft second mortgage for typically about 20% of the purchase price (or \$20,000 if greater) and a requirement from the buyer of at least a 3% down payment. Borrowers do not need to purchase private mortgage insurance that would typically be required with such a low down payment, thus saving the buyer significant sums on a monthly basis. Program participants pay interest only on the soft second mortgage for the first ten years and some eligible buyers may qualify for an interest subsidy on the second mortgage as well. Additionally, some participating lenders and communities offer grants to support closing costs and down payments and slightly reduced interest rates on the first mortgage. Dighton is already a participating community in the Program.

#### ***2. American Dream Downpayment Assistance Program***

The American Dream Downpayment Assistance Program is also awarded to municipalities or non-profit organizations on a competitive basis to help first-time homebuyers with down payments and closing costs. While the income requirements are the same as for the Soft Second Program, the purchase price levels are higher based on the FHA mortgage limits. Deferred loans for the down payment and closing costs of up to 5% of the purchase price to a maximum of \$10,000 can be made at no interest and with a five-year term, to be forgiven after five years. Another loan can be made through the program to cover deleading in addition to the down payment and closing costs, but with a ten-year term instead, with at least 2.5% of the purchase price covering the down payment.

#### ***3. Homebuyer Counseling***

There are a number of programs, including the Soft Second Loan Program and MassHousing's Home Improvement Loan Program, as well as Chapter 40B homeownership projects, that require purchasers to attend homebuyer workshops sponsored by organizations that are approved by the state, Citizens Housing and Planning Association (CHAPA) and/or HUD as a condition of occupancy. These sessions provide first-time homebuyers with a wide range of important information on homeownership finance and requirements. The organization that offers these workshops in closest proximity to Dighton is Pro-Home, Inc. in Taunton, with funding provided by the Greater Attleboro-Taunton HOME Consortium, although South Shore Housing Development Corporation also provides these workshops throughout Plymouth and Bristol Counties.

**4. *Down Payment and Closing Cost Assistance***

The Greater Attleboro-Taunton HOME Consortium also provides funding to help qualifying first-time homebuyers (have not owned a home within the last three years including displaced homemakers and single parents) with some costs associated with purchasing a home including the down payment and closing costs. The minimum amount of assistance is \$1,000 with a maximum of 6% of the purchase price or \$10,000. Applicants should apply to Taunton's Office of Economic and Community Development for assistance.

**5. *Self Help Housing***

Self-Help programs involve sweat-equity by the homebuyer and volunteer labor of others to reduce construction costs. Some communities have donated building lots to Habitat for Humanity to construct affordable single housing units. Under the Habitat for Humanity program, homebuyers contribute between 300 and 500 hours of sweat equity while working with volunteers from the community to construct the home. The homeowner finances the home with a 20-year loan at 0% interest. As funds are paid back to Habitat for Humanity, they are used to fund future projects.

**D. Home Improvement Financing**

**1. *Housing Renovation Program***

HOME Program funding is also provided by GATCH to assist qualifying homeowners in making necessary home repairs including lead paint and asbestos abatement, energy upgrades, roofing and siding improvements, door and window replacement, American Disabilities Act home modifications, and general interior repairs. Financing is provided through a non-forgivable, no interest, nonamortizing loan that involves no monthly payments but is due and repayable upon sale or transfer of the property. All loans are secured as a mortgage against the property. Residences ranging from single to seven (7) units can qualify for assistance. Rental units are subject to rent limits upon completion. The Program is administered by Taunton's Office of Economic and Community Development, which not only provides program oversight but also offers trained Rehabilitation Specialists to inspect the properties and determine the scope of the work and costs involved. These Specialists are also available to oversee the bidding and construction process.

**2 *MassHousing Home Improvement Loan Program (HLP)***

The MHFA Home Improvement Loan Program (HILP) is targeted to one- to four-unit, owner-occupied properties, including condominiums, with a minimum loan amount of \$10,000 up to a maximum of \$50,000. Loan terms range from five to 20 years based on the amount of the loan and the borrower's income and debt. MassHousing services the loans. Income limits are \$92,000 for households of one or two persons and \$104,000 for families of three or more persons. To apply for a loan, applicants must contact a participating lender.

**2. *Get the Lead Out Program***

MassHousing's Get the Lead Out Program, operated by Taunton's Office of Economic and Community Development, offers 100% financing for lead paint removal on excellent terms that are based on ownership status and type of property. An owner-occupied, single-family home may be eligible to receive a 0% deferred payment loan up to \$20,000 that is due when the house is sold, transferred or refinanced. An owner-occupant of a two-family house could receive up to \$25,000 to conduct the de-leading work. Maximum income limits for owner-occupants are \$74,400 for one and two-person households and \$85,500 for three or more persons. Investor-owners can also participate in the program but receive a 5% fully amortizing loan to cover costs. Non-profit organizations that rent properties to income-eligible residents are also eligible for 0% fully amortizing loans that run from five to 20 years. Applicants must contact a local rehabilitation agency to apply for the loan.

### **3. *Septic Repair Program***

Through a partnership with the Massachusetts Department of Environmental Protection and Revenue, MassHousing offers loans to repair or replace failed or inadequate septic systems for qualifying applicants. The interest rates vary according to the borrower's income with 0% loans available to one and two-person households earning up to \$23,000 and three or more person households earning up to \$26,000 annually. There are 3% loans available for those one or two person households earning up to \$46,000 and three or more persons earning up to \$52,000. Additionally, one to four-family dwellings and condominiums are eligible for loan amounts of up to \$25,000 and can be repaid in as little as three years or over a longer period of up to 20 years. To apply for a loan, applicants can contact Taunton's Office of Economic and Community Development for assistance.